

Extra Ordinary Part - VI / 2014

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Extra No.2	21-04-2014	Legislative & Parliamentary Affairs Department
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सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Government of Gujarat

Legislative And Parliamentary Affairs Department

Sachivalaya, Gandhinagar.

Dated 2nd April, 2014.

No. RPB/1-2014/Ord.-01-2014/E:- The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 04th March, 2014 is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th March, 2014 /Phalguna 13, 1935 (Saka)

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ORDINANCE, 2014

(No. 1 OF 2014)

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

WHEREAS the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013, to give effect to the aforesaid objective, was introduced on the 12th December, 2013 in the House of the People;

AND WHEREAS the said Bill could not be taken up for consideration and passing in the House of the People ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

Short title and commencement

1. (1) This Ordinance may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014.

(2) It shall come into force at once.

Amendment of long title..

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (1),-

(i) after clause (b), the following clauses shall be inserted, namely:-

(bb) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(bc) "economic boycott" means-

(i) a refusal to deal with, work for hire or do business with other person; or

(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(iv) to abstain from the professional or business relations that one would maintain with other person;

(bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Ordinance;

(be) "forest rights" shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other

2 of 2007. Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

25 of 2013. (bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;

45 of 1860. (bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;

(ii) after clause (e), the following clauses shall be inserted, namely:-

(ea) "Schedule" means the Schedule appended to this Ordinance;

(eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(ec) "victim" means any individual who falls within the definition of the 'Scheduled Caste and Scheduled Tribe' under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Ordinance and includes his relatives, legal guardian and legal heirs;

(ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Ordinance, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;

(iii) for clause (f), the following clause shall be substituted, namely:-

45 of 1860.
18 of 1872.
2 of 1974.

"(f) the words and expressions used but not defined in this Ordinance and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as

the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.”.

Amendment of
section 3.

4. In section 3 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

‘(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighborhood;

(d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation

facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

- (A) against the person’s will;
 - (B) without the person’s consent;
 - (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or
 - (D) fabricating records of such land;
- (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;
- (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;
- (j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
- (k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice or permits aforementioned acts;
- (l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—
- (A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;
 - (B) not to file a nomination as a candidate or to withdraw such nomination; or
 - (C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;
- (m) forces or intimidates or obstructs a member of a Scheduled

Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a panchayat under Part IX of the Constitution or a municipality under Part IX A of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Schedule Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Ordinance against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression “consent” means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to —

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.”;

(ii) in sub-section (2),—

(a) in clause (v), for the words “on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member”, the words “knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member” shall be substituted;

(b) after clause (v), the following clause shall be inserted, namely:—

“(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine.”.

45 of 1860.

5. For section 4 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 4.

“4. (1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Ordinance and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Punishment for neglect of duties.

(2) The duties of public servant referred to in sub-section (1) shall include—

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Ordinance and other relevant provisions and to register it under appropriate sections of this Ordinance;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Ordinance or the rules made thereunder:

Provided that the charges in this regard against the public

servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.”.

Amendment of
section 8.

6. In section 8 of the principal Act,—

(i) in clause (a), for the words “any financial assistance to a person accused of”, the words “any financial assistance in relation to the offences committed by a person accused of” shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.”.

Amendment of
section 10.

7. In section 10 of the principal Act, in sub-section (1),—

(a) after the words and figures “article 244 of the Constitution”, the words, brackets and figures “or any area identified under the provisions of clause (vii) of sub-section (2) of section 21” shall be inserted;

(b) for the words “two years”, the words “three years” shall be substituted.

Substitution of
new section for
section 14.

8. For section 14 of the principal Act, the following section shall be substituted, namely:—

Special Court
and Exclusive
Special Court.

“14. (1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Ordinance is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this

Ordinance:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Ordinance:

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Ordinance are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Ordinance, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet."

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new
section 14A.

2 of 1974.

"14A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law. Appeals.

2 of 1974.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the

expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

Substitution of
new section for
section 15.

10. For section 15 of the principal Act, the following section shall be substituted, namely:—

Special Public
Prosecutor and
Exclusive
Public
Prosecutor.

“15. (1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Public Prosecutor for the purpose of conducting cases in that Court.”

Insertion of new
Chapter IVA.

11. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IVA RIGHTS OF VICTIMS AND WITNESSES

Rights of
victims and
witnesses.

15A. (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Ordinance.

(4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Ordinance in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

2 of 1974.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Ordinance shall provide to a victim, his dependent, informant or witnesses—

(a) the complete protection to secure the ends of justice;

(b) the travelling and maintenance expenses during investigation, inquiry and trial; and

(c) the social-economic rehabilitation during investigation, inquiry and trial;

(d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of subsection (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

(a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;

(b) issuing directions for non-disclosure of the identity and addresses of the witnesses;

(c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Ordinance shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as

(a) to provide a copy of the recorded First Information Report at free of cost;

(b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

(c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;

(d) to provide relief in respect of death or injury or damage to property;

(e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;

(f) to provide the maintenance expenses to the atrocity victims and their dependents;

(g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First

Information Report;

(h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;

(i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;

(j) to take necessary precautions at the time of medical examination;

(k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;

(l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance, about the dates and place of investigation and trial;

(m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;

(n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Ordinance and to provide the necessary assistance for the execution of the rights.

(12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.”.

12. After section 23 of the principal Act, the following Schedule shall be inserted, namely:—

Insertion of new Schedule.

"THE SCHEDULE
[See section 3(2) (va)]

Section under the Indian Penal Code.	Name of offence and punishment.
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.

341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.”.

Sd/-

Pranab Mukherjee,
President.

Sd/-

P.K. Malhotra,
Secy. to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

Arvind Agarwal,
Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Government of Gujarat
Legislative and Parliamentary Affairs Department
Sachivalaya, Gandhinagar.

Dated the 21, April, 2014.

No. RPB/2-2014/Ord.-02-2014/E :- The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 28th March, 2014 is republished for general information :-

GOVERNMENT OF INDIA

THE SECURITIES LAWS (AMENDMENT) ORDINANCE, 2014

No. 2 of 2014

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.

WHEREAS the Securities Laws (Amendment) Ordinance, 2013 further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996 was promulgated by the President on the 18th day of July, 2013;

AND WHEREAS the Securities Laws (Amendment) Bill, 2013 with certain modifications was introduced on the 12th day of August, 2013 in the House of the People to replace the said Ordinance;

AND WHEREAS the said Bill was referred by the Speaker of the House of the People to the Department-related Parliamentary Standing Committee on Finance;

AND WHEREAS the Bill could not be passed by the House of the People;

AND WHEREAS to give continued effect to the provisions of the Securities Laws (Amendment) Ordinance, 2013, the Securities Laws (Amendment) Second Ordinance, 2013 was promulgated by the President on the 16th day of September, 2013;

AND WHEREAS the said Ordinance, 2013 ceased to operate on the 16th day of January, 2014;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to validate the actions taken under the said Ordinance so ceased to operate and to take further action to provide for the aforesaid matters;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Securities Laws (Amendment) Ordinance, 2014.

(2) Save as otherwise provided, the provisions of this Ordinance, except clause (ii) of section 5, section 6, section 15, section 18 and section 23, shall be deemed to have come into force on the 18th day of July, 2013.

(3) The provisions of clause (ii) of section 5, section 6, section 15, section 18 and section 23 of this Ordinance shall come into force at once.

CHAPTER II

AMENDMENTS TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Amendment of section 11.

2. In section 11 of the Securities and Exchange Board of India Act, 1992 (hereafter in this Chapter referred to as the principal Act),—

(i) in sub-section (2),—

(a) for clause (ia), the following clause shall be substituted, namely:—

“(ia) calling for information and records from any person including any bank or any other authority or board or corporation established or constituted by or under any Central or State Act which, in the opinion of the Board, shall be relevant to any investigation or inquiry by the Board in respect of any transaction in securities;”;

(b) after clause (ia), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 6th day of March, 1998, namely:—

“(ib) calling for information from, or furnishing information to, other authorities, whether in India or outside India, having functions similar to those of the Board, in the matters relating to the prevention or detection of violations in respect of securities laws, subject to the provisions of other laws for the time being in force in this regard:

Provided that the Board, for the purpose of furnishing any information to any authority outside India, may enter into an arrangement or agreement or understanding with such authority with the prior approval of the Central Government.”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

42 of 1956.

22 of 1996.

“(5) The amount disgorged, pursuant to a direction issued, under section 11B or section 12A of the Securities Contracts (Regulation) Act, 1956 or section 19 of the Depositories Act, 1996, as the case may be, shall be credited to the Investor Protection and Education Fund established by the Board and such amount shall be utilised by the Board in accordance with the regulations made under this Ordinance.”.

3. In section 11AA of the principal Act,—

Amendment of
section 11AA.

(i) in sub-section (1), —

(a) after the word, brackets and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted;

(b) the following proviso shall be inserted, namely:—

“Provided that any pooling of funds under any scheme or arrangement, which is not registered with the Board or is not covered under sub-section (3), involving a corpus amount of one hundred crore rupees or more shall be deemed to be a collective investment scheme.”;

(ii) in sub-section (2), in the opening portion, for the word “company”, the word “person” shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any scheme or arrangement made or offered by any person satisfying the conditions as may be specified in accordance with the regulations made under this Ordinance.”;

(iv) in sub-section (3),—

(a) after the word, brackets and figure "sub-section (2)", the words, brackets, figure and letter "or sub-section (2A)" shall be inserted;

(b) after clause (viii), the following clause shall be inserted, namely:—

"(ix) such other scheme or arrangement which the Central Government may, in consultation with the Board, notify,".

4. In section 11B of the principal Act, the following *Explanation* shall be inserted, namely:—

Amendment of section 11B.

"Explanation.—For the removal of doubts, it is hereby declared that the power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention."

Amendment of section 11C.

5. In section 11C of the principal Act,—

(i) for sub-section (8), the following sub-section shall be substituted, namely:—

'(8) Where in the course of an investigation, the Investigating Authority has reason to believe that any person or enterprise, as the case may be, to whom a notice under sub-section (3) has been issued or might be issued,—

(a) has omitted or failed to provide the information or produce documents as required in the notice; or

(b) may not provide the information or produce documents which shall be useful for, or relevant to, the investigation; or

(c) may destroy, mutilate, alter, falsify or secrete the information or documents useful for, or relevant to, the investigation,

then, the Chairman may, after being satisfied that it is necessary so to do, after recording the reasons thereof in writing, authorise the Investigating Authority or any other officer of the Board (the officer so authorised being hereinafter referred to as the authorised officer), to—

(i) enter and search, with such assistance, as may be required, the building, place, vessel, vehicle or aircraft where such information or documents are expected or believed to be kept;

(ii) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers

conferred by sub-clause (i), where the keys thereof are not available;

(iii) search any person who has got out of, or is about to get into, or is in, the building, place, vessel, vehicle or aircraft, if the authorised officer has reason to suspect that such person has secreted about his person any such books of account or other documents;

(iv) require any person who is found to be in possession or control of any books of account or other documents, maintained in the form of electronic record, to provide the authorised officer the necessary facility to inspect such books of account or other documents.

Explanation.— For the purposes of this sub-clause, the expression “electronic record” shall have the meaning assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(v) seize any such books of account or other documents found as a result of such search;

(vi) place marks of identification on any books of account or other documents or make or cause to be made extracts or copies therefrom;

(vii) record on oath the statement of any person who is found to be in possession or in control of the information or documents referred to in sub-clauses (i), (iii) and (iv).’;

(ii) after sub-section (8), the following sub-section shall be inserted, namely:—

“(8A) The authorised officer may requisition the services of any police officer or any officer of the Central Government, or of both, to assist him for all or any of the purposes specified in sub-section (8) and it shall be the duty of every such officer to comply with such requisition.”;

(iii) for sub-section (9), the following sub-section shall be substituted, namely:—

“(9) The Board may make regulations in relation to any search or seizure under this section; and in particular, without prejudice to the generality of the foregoing power, such regulations may provide for the procedure to be followed by the authorised Officer—

(a) for obtaining ingress into any building, place, vessel, vehicle or aircraft to be searched where free ingress thereto is not available;

(b) for ensuring safe custody of any books of account or other documents or assets seized.”;

(iv) in sub-section (10), the words "and inform the Magistrate of such return" shall be omitted.

6. In section 15-I of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 15-I.

"(3) The Board may call for and examine the record of any proceedings under this section and if it considers that the order passed by the adjudicating officer is erroneous to the extent it is not in the interests of the securities market, it may, after making or causing to be made such inquiry as it deems necessary, pass an order enhancing the quantum of penalty, if the circumstances of the case so justify:

Provided that no such order shall be passed unless the person concerned has been given an opportunity of being heard in the matter:

Provided further that nothing contained in this sub-section shall be applicable after an expiry of a period of three months from the date of the order passed by the adjudicating officer or disposal of the appeal under section 15T, whichever is earlier."

Insertion of new section 15JB.

7. After section 15JA of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

Settlement of administrative and civil proceedings.

"15JB. (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 11, section 11B, section 11D, sub-section (3) of section 12 or section 15-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under this Ordinance.

(3) The settlement proceedings under this section shall be conducted in accordance with the procedure specified in the regulations made under this Ordinance.

(4) No appeal shall lie under section 15T against any order passed by the Board or adjudicating officer, as the case may be, under this section."

Amendment of section 15T.

8. In section 15T of the principal Act, sub-section (2) shall be omitted.

Amendment of section 26.

9. In section 26 of the principal Act, sub-section (2) shall be omitted.

Insertion of new sections 26A, 26B, 26C, 26D and 26E.	10. After section 26 of the principal Act, the following sections shall be inserted, namely:—	
Establishment of Special Courts.	<p>“26A. (1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.</p> <p>(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.</p> <p>(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.</p>	
2 of 1974.	<p>26B. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2014 or on or after the date of such commencement, shall be taken cognizance of and tried by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned.</p>	Offences triable by Special Courts.
2 of 1974.	<p>26C. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.</p>	Appeal and revision.
2 of 1974.	<p>26D. (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.</p> <p>(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.</p>	Application of Code to proceedings before Special Court.
	<p>26E. Any offence committed under this Act which is triable by a Special Court shall, until a Special Court is</p>	Transitional provisions.

2 of 1974.

established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973:

2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code of Criminal Procedure, 1973 to transfer any case or class of cases taken cognizance by a Court of Session under this section."

11. After section 28 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
28A.

Recovery of
amounts.

'28A. (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any direction of the Board for refund of monies or fails to comply with a direction of disgorgement order issued under section 11B or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

- (a) attachment and sale of the person's movable property;
- (b) attachment of the person's bank accounts;
- (c) attachment and sale of the person's immovable property;
- (d) arrest of the person and his detention in prison;
- (e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules made thereunder were the provisions of this Act and referred to the amount due under this Ordinance instead of to income-tax under the Income-tax Act, 1961.

43 of 1961.

Explanation 1.— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank

accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Ordinance.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate. 43 of 1961.

Explanation 3.— Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be construed as a reference to appeal before the Securities Appellate Tribunal under section 15T of this Act. 43 of 1961.

(2) The Recovery Officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 11B, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.

12. In section 30 of the principal Act, in sub-section (2),—

Amendment of section 30.

(i) after clause (c), the following clauses shall be inserted, namely:—

"(ca) the utilisation of the amount credited under sub-section (5) of section 11;

(cb) the fulfilment of other conditions relating to collective investment scheme under sub-section (2A) of section 11AA;

(cc) the procedure to be followed by the authorised officer for search or seizure under sub-section (9) of section 11C;"

(ii) after clause (d), the following clauses shall be inserted, namely:—

"(da) the terms determined by the Board for settlement of proceedings under sub-section (2) and the procedure for conducting of settlement proceedings under sub-section

(3) of section 15JB;

(dh) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.”

13. After section 34 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
34A.

“34A. Any act or thing done or purporting to have been done under the principal Act, in respect of calling for information from, or furnishing information to, other authorities, whether in India or outside India, having functions similar to those of the Board and in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times.”

Validation of
certain acts.

CHAPTER III

AMENDMENTS TO THE SECURITIES CONTRACTS (REGULATION) ACT, 1956

Amendment of
section 12A.

14. In section 12A of the Securities Contracts (Regulation) Act, 1956 (hereafter in this Chapter referred to as ‘the principal Act’), the following *Explanation* shall be inserted, namely:—

42 of 1956.

“*Explanation.*— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”

Amendment of
section 23-I.

15. In section 23-I of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Board may call for and examine the record of any proceedings under this section and if it considers that the order passed by the adjudicating officer is erroneous to the extent it is not in the interests of the securities market, it may, after making or causing to be made such inquiry as it deems necessary, pass an order enhancing the quantum of penalty, if the circumstances of the case so justify:

Provided that no such order shall be passed unless the person concerned has been given an opportunity of being heard in the matter:

Provided further that nothing contained in this sub-section shall be applicable after an expiry of a period of three months from the date of the order passed by the adjudicating officer or disposal of the appeal under section 23L, whichever is

earlier.”

Insertion of new
section 23JA.

16. After section 23J of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

Settlement of
administrative
and civil
proceedings.

“23JA. (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 12A or section 23-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall apply.

15 of 1992.

(4) No appeal shall lie under section 23L against any order passed by the Board or the adjudicating officer, as the case may be, under this section.”

17. After section 23JA of the principal Act as so inserted, the following section shall be inserted, namely:—

Insertion of
new section
23JB.

“23JB. (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 12A or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

Recovery of
amounts.

(a) attachment and sale of the person's movable property;

(b) attachment of the person's bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the

43 of 1961.

Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Ordinance instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.—For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Ordinance.

Explanation 2.—Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate. 43 of 1961.

Explanation 3.—Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be construed as a reference to appeal before the Securities Appellate Tribunal under section 23L of this Act. 43 of 1961.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 12A, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing to exercise the powers of a Recovery Officer.'

Amendment of
section 23L.

18. In section 23L of the principal Act, in sub-section (1), after the word, figure and letter "section 4B", the words, brackets, figures and letter "or sub-section (3) of section 23-I" shall be inserted.

Amendment of
section 26.

19. In section 26 of the principal Act, sub-section (2) shall be omitted.

Insertion of new
sections 26A,
26B, 26C, 26D
and 26E.

20. After section 26 of the principal Act, the following sections shall be inserted, namely:—

Establishment
of Special
Courts.

"26A. (1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

2 of 1974.

26B. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2014 or on or after the date of such commencement, shall be taken cognizance of and tried by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned.

Offences
triable by
Special Courts.

2 of 1974.

26C. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX. and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

Appeal and
Revision.

2 of 1974.

26D. (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.

Application of
Code to
proceedings
before Special
Court.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

26E. Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973:

Transitional provisions.

2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section."

Insertion of new section 32.

21. After section 31 of the principal Act, the following section shall be inserted, namely:—

Validation of certain acts.

"32. Any act or thing done or purporting to have been done under the principal Act, in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times."

CHAPTER IV

AMENDMENTS TO THE DEPOSITORIES ACT, 1996

Amendment of section 19.

22. In section 19 of the Depositories Act, 1996 (hereafter in this chapter referred to as the principal Act), the following Explanation shall be inserted; namely:—

22 of 1996.

"*Explanation.*— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention."

Amendment of section 19H.

23. In section 19H of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The Board may call for and examine the record of any proceedings under this section and if it considers that the order passed by the adjudicating officer is erroneous to the extent it is not in the interests of the securities market, it may, after making or causing to be made such inquiry as it deems necessary, pass an order enhancing the quantum of penalty, if the circumstances of the case so justify:

Provided that no such order shall be passed unless the person concerned has been given an opportunity of being

heard in the matter:

Provided further that nothing contained in this sub-section shall be applicable after an expiry of a period of three months from the date of the order passed by the adjudicating officer or disposal of the appeal under section 23A, whichever is earlier."

Insertion of new section 19-IA:

24. After section 19-I of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:-

Settlement of Administrative and Civil Proceedings.

"19-IA. (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 19 or section 19H, as the case may be, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

15 of 1992.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall apply.

(4) No appeal shall lie under section 23A against any order passed by the Board or the adjudicating officer under this section."

25. After section 19-IA of the principal Act as so inserted, the following shall be inserted, namely:-

Insertion of new section 19-IB.

Recovery of amounts.

"19-IB. (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 19 or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely: -

- (a) attachment and sale of the person's movable property;
- (b) attachment of the person's bank accounts;
- (c) attachment and sale of the person's immovable property;
- (d) arrest of the person and his detention in prison;

43 of 1961.

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961, and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Ordinance instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Ordinance.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

43 of 1961.

Explanation 3.— Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be construed as a reference to appeal before the Securities Appellate Tribunal under section 23A of this Act.

43 of 1961.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 19, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.

Amendment of
section 22.

26. In section 22 of the principal Act, sub-section (2) shall be omitted.

Insertion of new
sections 22C,
22D, 22E, 22F
and 22G.

27. After section 22B of the principal Act, the following sections shall be inserted, namely:—

Establishment
of Special
Courts.

"22C. (1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

2 of 1974.

22D. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2014 or on or after the date of such commencement, shall be taken cognizance of and tried by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned.

Offences
triable by
Special Courts.

2 of 1974.

22E. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

Appeal and
Revision.

2 of 1974.

22F.(1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.

Application of
Code to
proceedings
before Special
Court.

(2) The person conducting prosecution referred to in sub-

section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

22G. Any offence committed under this Act which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973:

Transitional provisions.

2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section.”.

Amendment of section 23A.

28. In section 23A of the principal Act, sub-section (2) shall be omitted.

Insertion of new section 30A.

29. After section 30 of the principal Act, the following section shall be inserted, namely:—

Validation of certain acts.

“30A. Any act or thing done or purporting to have been done under the principal Act, in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times.”.

Validation and savings.

30. Notwithstanding the fact that the Securities Laws (Amendment) Second Ordinance, 2013 has ceased to operate, anything done or any action taken or purported to have been done or taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance as if such provisions had been in force at all material times.

Ord. 9 of 2013.

Sd/-

Pranab Mukherjee,
President.

Sd/-

P.K. Malhotra,
Secy. to the Government of India.

By order and in the name of the Governor of Gujarat.

Sd/-

Arvind Agarwal,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LV]

WEDNESDAY, MAY 14, 2014/VAISAKHA 24, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/40-2014/Act.-19-13/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 10th September, 2013, Bhadra 19, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 10th September, 2013 is hereby published for general information:-

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA

(AMENDMENT) ACT, 2013

No. 19 OF 2013

[10th September, 2013.]

An Act further to amend the National Highways Authority of India Act, 1988.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows :-

1. This Act may be called the National Highways Authority of India (Amendment) Act, Short title. 2013.
2. In section 3 of the National Highways Authority of India Act, 1988, for sub- Amendment of section 3. section (3), the following sub-section shall be substituted, namely :-
 - "(3) The Authority shall consist of—
 - (a) a Chairman;
 - (b) not more than six full-time members; and
 - (c) not more than six part-time members,

to be appointed by the Central Government by notification in the *Official Gazette*:

Provided that the Central Government shall, while appointing the part-time members, ensure that at least two of them are non-Government professionals having Knowledge or experience in financial management, transportation planning or any other relevant discipline.

Dr. Sanjay Singh,
Additional Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-
ARVIND AGARVAL,
Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/44-2014/Act-23-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 19th September, 2013, Bhadra 28, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 18th September, 2013, is hereby published for general information :-

THE PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY ACT, 2013

No. 23 of 2013

[18th September, 2013]

An Act to provide for the establishment of an Authority to promote old age income security by establishing, developing and regulating pension funds, to protect the interests of subscribers to schemes of pension funds and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Pension Fund Regulatory and Development Authority Act, 2013.

(2) It extends to the whole of India.

(5) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,
extent and
commence-
ment.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “Authority” means the Pension Fund Regulatory and Development Authority established under sub-section (1) of section 3;

(b) “central recordkeeping agency” means an agency registered under section 27 to perform the functions of recordkeeping, accounting, administration and customer service for subscribers to schemes;

(c) “Chairperson” means the Chairperson of the Authority;

(d) “document” shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, in printed or in electronic version, which is intended to be used, or which may be used, by the Interim Pension Fund Regulatory and Development Authority, or Authority or an intermediary or any other entity connected with the National Pension System, for the purpose of recording that matter;

(e) “individual pension account” means an account of a subscriber, executed by a contract setting out the terms and conditions under the National Pension System;

(f) “Interim Pension Fund Regulatory and Development Authority” means the Interim Pension Fund Regulatory and Development Authority set up by the Central Government through Resolutions No. F. No. 5/7/2003-ECB&PR, dated the 10th October, 2003 and F. No. 1(6)/2007-PR, dated the 14th November, 2008;

(g) “intermediary” includes pension fund, central recordkeeping agency, National Pension System Trust, pension fund adviser, retirement adviser, point of presence and such other person or entity connected with collection, management, recordkeeping and distribution of accumulations;

(h) “member” means a member of the Authority and includes its Chairperson;

(i) “National Pension System” means the contributory pension system referred to in section 20 whereby contributions from a subscriber are collected and accumulated in an individual pension account using a system of points of presence, a central recordkeeping agency and pension funds as may be specified by regulations;

(j) “National Pension System Trust” means the Board of Trustees who hold the assets of subscribers for their benefit;

(k) “notification” means a notification published in the Official Gazette;

(l) “pension fund” means an intermediary which has been granted a certificate of registration under sub-section (3) of section 27 by the Authority as a pension fund for receiving contributions, accumulating them and making payments to the subscriber in the manner as may be specified by regulations;

(m) “Pension Regulatory and Development Fund” means the fund constituted under sub-section (1) of section 40;

(n) “point of presence” means an intermediary registered with the Authority under sub-section (3) of section 27 as a point of presence and capable of electronic connectivity with the central recordkeeping agency for the purposes of receiving and transmitting funds and instructions and pay out of funds;

(o) “prescribed” means prescribed by rules made under this Act;

(p) “regulated assets” means the assets and properties, both tangible and intangible, owned, leased or developed by and other rights belonging to, the central recordkeeping agency;

(q) “regulations” means the regulations made by the Authority under this Act;

(r) “scheme” means a scheme of pension fund approved by the Authority under this Act;

(s) “Securities Appellate Tribunal” means a Securities Appellate Tribunal established under sub-section (1) of section 15K of the Securities and Exchange Board of India Act, 1992;

10 of 1949.

4 of 1938.

1 of 1956.

42 of 1956.

15 of 1992.

(i) "subscriber" includes a person who subscribes to a scheme of a pension fund;

(u) "Subscriber Education and Protection Fund" means the fund constituted under sub-section (1) of section 41;

(v) "Trustee Bank" means a banking company as defined in the Banking Regulation Act, 1949.

(2) Words and expressions used and not defined in this Act, but defined in—

(i) the Insurance Act, 1938;

(ii) the Companies Act, 1956;

(iii) the Securities Contracts (Regulation) Act, 1956; and

(iv) the Securities and Exchange Board of India Act, 1992,

shall have the meanings respectively assigned to them under those Acts.

CHAPTER II

PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, an Authority to be called the Pension Fund Regulatory and Development Authority.

Establishment and incorporation of Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

2 of 1985.

(3) The head office of the Authority shall be in the National Capital Region referred to in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985.

(4) The Authority may establish offices at other places in India.

4. The Authority shall consist of the following Members, namely:—

Composition of Authority.

(a) a Chairperson;

(b) three whole-time members; and

(c) three part-time members,

to be appointed by the Central Government from amongst persons of ability, integrity and standing and having knowledge and experience in economics or finance or law with at least one person from each discipline.

5. (1) The Chairperson and every whole-time member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment:

Term of office and conditions of service of Chairperson and members of Authority.

Provided that no person shall hold office as a Chairperson after he has attained the age of sixty-five years:

Provided further that no person shall hold office as a whole-time member after he has attained the age of sixty-two years.

(2) A part-time member shall hold office as such for a term not exceeding five years from the date on which he enters upon his office.

(3) The salary and allowances payable to, and other terms and conditions of service of, the members other than part-time members shall be such as may be prescribed.

(4) The part-time members shall receive such allowances as may be prescribed.

(5) The salary, allowances and other conditions of service of a member shall not be varied to his disadvantage after his appointment.

(6) Notwithstanding anything contained in sub-section (1) or sub-section (2), a member may—

(a) relinquish his office, by giving in writing to the Central Government, a notice of not less than thirty days; or

(b) be removed from his office in accordance with the provisions of section 6.

6. (1) The Central Government may remove from office the Chairperson or any other member who—

Removal of members from office.

(a) is, or at any time has been, adjudged as insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest.

(2) No such Chairperson or other member shall be removed under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

Restriction on future employment of members.

7. (1) The Chairperson and the whole-time members shall not, for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, accept—

(a) any employment either under the Central Government or under any State Government; or

(b) any appointment in any regulated entity in the pension sector.

(2) The Chairperson and the whole-time members of the Interim Pension Fund Regulatory and Development Authority holding the office as such before the commencement of this Act, shall not, on and after such commencement, accept any appointment in any regulated entity in the pension sector for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government.

Administrative powers of Chairperson.

8. The Chairperson shall have the powers of general superintendence and direction in respect of all administrative matters of the Authority.

Meetings of Authority.

9. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Authority, any other member chosen by the members present from amongst themselves at the meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) If any member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the Authority with respect to that matter.

Vacancies, etc., not to invalidate proceedings of Authority.

10. No act or proceeding of the Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority;

or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Officers and employees of Authority.

11. (1) The Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and other conditions of service of officers and other employees of the Authority appointed under sub-section (1) shall be such as may be determined by regulations.

CHAPTER III

EXTENT AND APPLICATION

12. (1) This Act shall apply to—

Extent and
application.

(a) the National Pension System;

(b) any other pension scheme not regulated by any other enactment.

(2) Every pension scheme referred to in clause (b) shall conform to the regulations made by the Authority within such time as may be specified in the regulations.

(3) Notwithstanding anything contained in sub-section (1), the provisions of this Act shall not apply to—

(a) the schemes or funds under—

46 of 1948.

(i) the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948;

19 of 1952.

(ii) the Employees' Provident Funds and Miscellaneous Provisions Act, 1952;

4 of 1966.

(iii) the Seamen's Provident Fund Act, 1966;

Assam Act X
of 1955.

(iv) the Assam Tea Plantations Provident Fund and Pension Fund Scheme Act, 1955; and

Jammu and
Kashmir Act
XV of 1961.

(v) the Jammu and Kashmir Employees' Provident Funds Act, 1961;

4 of 1938.

(b) contracts referred to in sub-section (11) of section 2 of the Insurance Act, 1938;

(c) any other pension scheme, which the Central Government may, by notification, exempt from the application of this Act;

61 of 1951.

(d) persons appointed before the 1st day of January, 2004 to public services in connection with the affairs of the Union, or to All-India Services constituted under section 2A of the All-India Services Act, 1951;

(e) persons appointed to public services in connection with the affairs of any State, or such Union territories as may be specified by notification by the Central Government.

(4) Notwithstanding anything contained in sub-section (3), any State Government or administrator of a Union territory may, by notification, extend the National Pension System to its employees.

(5) Notwithstanding anything contained in clause (c) of sub-section (3), the Central Government may, by notification, extend the application of this Act to any other pension scheme [including any other pension scheme exempted and notified under clause (c) of sub-section (3)].

(6) Any person governed under any of the schemes or funds referred to in sub-section (3) may, at his option, also join the National Pension System.

CHAPTER IV

TRANSFER OF ASSETS, LIABILITIES, ETC., OF INTERIM PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY

13. On and from the date of establishment of the Pension Fund Regulatory and Development Authority,—

(a) all the assets and liabilities of the Interim Pension Fund Regulatory and Development Authority shall stand transferred to, and vested in, the Authority.

Explanation.—The assets of the Interim Pension Fund Regulatory and Development Authority shall be deemed to include all rights and powers, all properties,

Transfer of
assets, liabilities,
etc., of Interim
Pension Fund
Regulatory and
Development
Authority.

whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of the Interim Pension Fund Regulatory and Development Authority and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Interim Pension Fund Regulatory and Development Authority immediately before that day, for or in connection with the purpose of the said Regulatory Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority;

(c) all sums of money due to the Interim Pension Fund Regulatory and Development Authority immediately before that day shall be deemed to be due to the Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the Interim Pension Fund Regulatory and Development Authority immediately before that day may be continued or may be instituted by or against the Authority.

CHAPTER V

DUTIES, POWERS AND FUNCTIONS OF AUTHORITY

Duties,
powers and
functions of
Authority.

14. (1) Subject to the provisions of this Act and any other law for the time being in force, the Authority shall have the duty, to regulate, promote and ensure orderly growth of the National Pension System and pension schemes to which this Act applies and to protect the interests of subscribers of such System and schemes.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the powers and functions of the Authority shall include—

(a) regulating the National Pension System and the pension schemes to which this Act applies;

(b) approving the schemes, the terms and conditions thereof and laying down norms for the management of the corpus of the pension funds, including investment guidelines under such schemes;

(c) registering and regulating intermediaries;

(d) issuing to an intermediary, on application, a certificate of registration and renewing, modifying, withdrawing, suspending or cancelling such registration;

(e) protecting the interests of subscribers by—

(i) ensuring safety of the contribution of subscribers to various schemes of pension funds to which this Act applies;

(ii) ensuring that the intermediation and other operational costs under the National Pension System are economical and reasonable;

(f) establishing mechanism for redressal of grievances of subscribers to be determined by regulations;

(g) promoting professional organisations connected with the pension system;

(h) adjudication of disputes between intermediaries and between intermediaries and subscribers;

(i) collecting data and requiring the intermediaries to collect such data and undertaking and commissioning studies, research and projects;

(j) undertaking steps for educating subscribers and the general public on issues relating to pension, retirement savings and related issues and training of intermediaries;

(k) standardising dissemination of information about performance of pension funds and performance benchmarks;

(l) regulating the regulated assets;

(m) levying fees or other charges for carrying out the purposes of this Act;

(n) specifying by regulations the form and manner in which books of account shall be maintained and statement of accounts shall be rendered by intermediaries;

(o) calling for information from, undertaking inspection of, conducting inquiries and investigations including audit of, intermediaries and other entities or organisations connected with pension funds;

(p) exercising such other powers and functions as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under clause (o) of sub-section (2), the Authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

(i) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the Authority;

(ii) summoning and enforcing the attendance of persons and examining them on oath;

(iii) inspection of any book, register and other document of any person or intermediary referred to in section 26, at any place;

(iv) issuing commissions for the examination of witnesses or documents;

(v) any other matter which may be prescribed.

(4) Without prejudice to the provisions contained in sub-sections (1), (2) and (3) and section 16, the Authority may, by order, for reasons to be recorded in writing, in the interest of subscribers, take any of the following measures, pending investigation or inquiry, namely:—

(i) restrain persons from participating in any scheme;

(ii) restrain any office bearer of an intermediary from acting as such;

(iii) impound and retain the proceeds under the scheme in respect of any activity which is under investigation;

(iv) attach, after passing an order, on an application made for approval, by the Judicial Magistrate of first class having jurisdiction, for a period not exceeding one month, one or more bank account or accounts of any intermediary or any person associated with the scheme in any manner involved in violation of any of the provisions of this Act or the rules or the regulations made thereunder:

Provided that only the bank account or accounts or any transaction entered therein, relating to the proceeds actually involved in the violation of any of the provisions of this Act or the rules or the regulations made thereunder shall be allowed to be attached;

(v) direct any intermediary or any person associated with the scheme in any manner not to dispose of or alienate an asset forming part of any activity which is under investigation:

Provided that the Authority shall, either before or after, passing such orders, under this section, give to such intermediaries or persons concerned an opportunity of being heard.

Power to issue
directions.

15. Save as otherwise provided in section 14, if after making, or causing to be made, an inquiry, the Authority is satisfied that it is necessary—

(i) in the interests of subscribers or orderly development of National Pension System or a pension scheme to which this Act applies; or

(ii) to prevent the affairs of any intermediary or other persons or entities referred to in section 27 being conducted in a manner detrimental to the interests of subscribers; or

(iii) to secure the proper management of any such intermediary or person or entity,

it may issue such directions to such intermediaries or entities or to any person or class of persons referred to in section 27, or associated with the pension fund, as it may deem fit:

Provided that the Authority shall, either before or after passing such orders, give an opportunity of being heard to such intermediaries, entities or persons concerned.

Power of
investigation.

16. (1) Where the Authority has a reasonable ground to believe that—

(a) the activities of the pension fund are being conducted in a manner detrimental to the interest of the subscriber; or

(b) any intermediary or any person associated with the schemes of the pension fund has violated any of the provisions of this Act or the rules or the regulations made or directions issued by the Authority thereunder,

it may, at any time, by order in writing, direct any person (hereafter in this section referred to as the Investigating Authority) specified in the order to investigate the affairs of such intermediary or persons associated with the pension fund and to report thereon to the Authority.

(2) Without prejudice to the provisions contained in sections 235 to 241 of the Companies Act, 1956, it shall be the duty of every manager, managing director, officer and other employee of the company, in case of a company and every intermediary or persons or entity referred to in section 27 or every person associated with the pension fund to preserve and to produce to the Investigating Authority or any person authorised by him in this behalf, all the books, registers, other documents and record of, or relating to, the company or, as the case may be, of or relating to, the intermediary or such person, which are in their custody or power. 1 of 1956.

(3) The Investigating Authority may require any intermediary or any person or entity associated with the pension fund in any manner to furnish such information to, or produce such books, or other documents, or record before him or any person authorised by him in this behalf as he may consider necessary if the furnishing of such information or the production of such books, or register, or other documents, or record is relevant or necessary for the purposes of its investigation.

(4) The Investigating Authority may keep in its custody any books, registers, other documents and record produced under sub-section (2) or sub-section (3) for six months and thereafter shall return the same to any intermediary or any person associated or entity with the pension fund by whom or on whose behalf the books, registers, other documents and record are produced:

Provided that the Investigating Authority may call for any book, register, other documents and record if they are required again:

Provided further that if the person on whose behalf the books, registers, other documents and record are produced requires certified copies of the books, registers, other documents or record produced before the Investigating Authority, it shall give certified copies of such books, registers, other documents or, as the case may be, record to such person or on whose behalf the books, registers, other documents and record were produced.

(5) Any person, directed to make an investigation under sub-section (1), may examine on oath any intermediary or any person associated with the pension fund in any manner, in relation to the affairs of his business and may administer an oath accordingly and for that purpose may require any of those persons to appear before him personally.

(6) Notes of any examination under sub-section (5) shall be taken down in writing and shall be read over to, or by, and signed by, the person examined, and may thereafter be used in evidence against him.

(7) If any person fails without reasonable cause or refuses—

(a) to produce to an Investigating Authority or any person authorised by him in this behalf any book, register, other document or record which it is his duty under sub-section (2) or sub-section (3) to furnish; or

(b) to furnish any information which it is his duty under sub-section (3) to furnish; or

(c) to appear before the Investigating Authority personally when required to do so under sub-section (5) or to answer any question which is put to him by the Investigating Authority in pursuance of that sub-section; or

(d) to sign the notes of any examination referred to in sub-section (6),

he shall be punishable with imprisonment for a term which may extend to one year, or with fine, which may extend to twenty-five crore rupees, or with both, and also with a further fine which may extend to ten lakh rupees for every day after the first day during which the failure or refusal continues.

17. (1) Where the Authority, in consequence of information in its possession, has reason to believe that—

Search and seizure.

(a) any person who has been required under sub-section (3) of section 16 to produce, or cause to be produced, any books, accounts or other documents in his custody or power has omitted or failed to produce, or cause to be produced, such books, accounts or other documents; or

(b) any person to whom a requisition to produce any books, accounts or other documents as aforesaid has been or might be issued will not, or would not, produce or cause to be produced, any books, accounts or other documents which will be useful for, or relevant to, an investigation under sub-section (1) of section 16; or

(c) a contravention of any provision of this Act has been committed or is likely to be committed by an intermediary; or

(d) any claim which is due to be settled by the intermediary, has been or is likely to be rejected or settled at a figure higher than a reasonable amount; or

(e) any claim which is due to be settled by an intermediary, has been or is likely to be rejected or settled at a figure lower than a reasonable amount; or

(f) any illegal fees and charges have been transacted or are likely to be transacted by an intermediary; or

(g) any books, accounts, papers, receipts, vouchers, survey reports or other documents, belonging to an intermediary are likely to be tampered with, falsified or manufactured,

it may authorise any officer of the Authority, not below the rank equivalent to that of a Gazetted Officer of the Government (hereafter referred to as the authorised officer), to—

(i) enter and search any building or place where he has reason to suspect that such books, accounts or other documents, or any books or papers relating to any claim, rebate or commission or any receipts, vouchers, reports or other documents are kept;

(ii) break open the lock of any box, locker, safe, almirah or other receptacle for exercising the powers conferred by clause (i) where the keys thereof are not available;

(iii) seize all or any such books, accounts or other documents, found as a result of such search;

(iv) place marks of identification on such books, accounts or other documents or make or cause to be made extracts or copies therefrom.

(2) The authorised officer may requisition the services of any police officer or of any officer of the Central Government, or of both, to assist him for all or any of the purposes specified in sub-section (1) and it shall be the duty of every such police officer or officer to comply with such requisition.

(3) The authorised officer may, where it is not practicable to seize any such book, account or other document, specified in sub-section (1), serve an order on the person who is in immediate possession or control thereof that he shall not remove, part with or otherwise deal with it except with the previous permission of such officer and such officer may take such steps as may be necessary for ensuring compliance with this sub-section.

(4) The authorised officer may, during the course of the search or seizure, examine on oath any person who is found to be in possession or control of any books, accounts or other documents, and any statement made by such person during such examination may thereafter be used in evidence in any proceeding under this Act.

(5) The books, accounts, papers, receipts, vouchers, reports, or other documents seized under sub-section (1) shall not be retained by the authorised officer for a period exceeding one hundred and eighty days from the date of the seizure unless the reasons for retaining the same are recorded by him in writing and the approval of the Authority for such retention is obtained:

Provided that the Authority shall not authorise the retention of the books, accounts, papers, receipts, vouchers, reports, or other documents for a period exceeding thirty days after all the proceedings under this Act, for which the books, accounts, papers, receipts, vouchers, reports, or other documents are relevant, are completed.

(6) The person from whose custody the books, accounts, papers, receipts, vouchers, reports, or other documents are seized under sub-section (1) may make copies thereof, or take extracts therefrom, in the presence of the authorised officer or any other person empowered by him in this behalf at such place and time as the authorised officer may appoint in this behalf.

(7) If a person legally entitled to the books, accounts, papers, receipts, vouchers, reports or other documents seized under sub-section (1) objects for any reason to the approval given by the Authority under sub-section (5), he may make an application to the Central Government stating therein the reason for such objection and requesting for the return of the books, accounts, papers, receipts, vouchers, report or other documents.

(8) On receipt of the application under sub-section (7), the Central Government may, after giving the applicant an opportunity of being heard, pass such order as it thinks fit.

(9) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall apply, so far as may be, to every search and seizure made under sub-section (1).

2 of 1974.

(10) The Central Government may, by notification, make rules in relation to any search or seizure under this section and in particular, and without prejudice to the generality of the foregoing power, such rules may provide for the procedure to be followed by the authorised officer,—

(i) for obtaining ingress into such building or place to be searched where free ingress thereto is not available;

(ii) for ensuring safe custody of any books, accounts, papers, receipts, vouchers, reports, or other documents seized under this section.

18. If the Authority finds, after causing an inquiry to be made, that any person has violated, or is likely to violate, any provisions of this Act, or any rule or regulation made thereunder, the Authority may pass an order requiring such person to cease and desist from committing or causing such violation.

Power of Authority to ensure compliance.

19. (1) If at any time the Authority has reason to believe that the central recordkeeping agency or pension fund is acting in a manner likely to be prejudicial to the interest of subscribers, it may, after giving the central recordkeeping agency or pension fund, as the case may be, an opportunity of being heard, make a report thereon to the Central Government.

Management by Administrator.

(2) If the Central Government, after considering the report made under sub-section (1) is of the opinion, that it is necessary or proper to do so, it may appoint an Administrator to manage the affairs of the central recordkeeping agency or pension fund, as the case may be, under the direction and control of the Authority, in such manner as may be specified by notification.

CHAPTER VI

NATIONAL PENSION SYSTEM

20. (1) The contributory pension system notified by the Government of India in the Ministry of Finance *vide* notification number F. No. 5/7/2003-ECB&PR, dated the 22nd December, 2003, shall be deemed to be the National Pension System with effect from the 1st day of January, 2004, and such National Pension System may be amended from time to time by regulations.

National Pension System.

(2) Notwithstanding anything contained in the said notification, the National Pension System shall, on the commencement of this Act, have the following basic features, namely:—

(a) every subscriber shall have an individual pension account under the National Pension System;

(b) withdrawals, not exceeding twenty-five per cent. of the contribution made by the subscriber, may be permitted from the individual pension account subject to the conditions, such as purpose, frequency and limits, as may be specified by the regulations;

(c) the functions of recordkeeping, accounting and switching of options by the subscriber shall be effected by the central recordkeeping agency;

(d) there shall be a choice of multiple pension funds and multiple schemes:

Provided that—

(a) the subscriber shall have an option of investing up to hundred per cent. of his funds in Government Securities; and

(b) the subscriber, seeking minimum assured returns, shall have an option to invest his funds in such schemes providing minimum assured returns as may be notified by the Authority;

(e) there shall be portability of individual pension accounts in case of change of employment;

(f) collection and transmission of contributions and instructions shall be through points of presence to the central recordkeeping agency;

(g) there shall not be any implicit or explicit assurance of benefits except market-based guarantee mechanism to be purchased by the subscriber;

(h) a subscriber shall not exit from the National Pension System except as may be specified by the regulations; and

(i) at exit, the subscriber shall purchase an annuity from a life insurance company in accordance with the regulations.

(3) In addition to the individual pension account mentioned in clause (a) of sub-section (2), a subscriber may also, at his option, have an additional account under the

National Pension System having the features mentioned in clauses (c) to (g) of sub-section (2) and also having the additional feature that the subscriber shall be free to withdraw part or all of his money at any time from the additional account.

Central
Record-
keeping
Agency.

21. (1) The Authority shall, by granting a certificate of registration under sub-section (3) of section 27, appoint a central recordkeeping agency:

Provided that the Authority may, in public interest, appoint more than one central recordkeeping agency.

(2) The central recordkeeping agency shall be responsible for receiving instructions from subscribers through the points of presence, transmitting such instructions to pension funds, effecting switching instructions received from subscribers and discharging such other duties and functions, as may be assigned to it under the certificate of registration or as may be determined by regulations.

(3) All the assets and properties owned, leased or developed by the central recordkeeping agency, shall constitute regulated assets and upon expiry of certificate of registration or earlier revocation thereof, the Authority shall be entitled to appropriate and take over the regulated assets, either by itself or through an administrator or a person nominated by it in this behalf:

Provided that the central recordkeeping agency shall be entitled to be compensated the fair value, to be ascertained by the Authority, of such regulated assets as may be determined by regulations:

Provided further that where the earlier revocation of the certificate of registration is based on violation of the conditions in the certificate of registration or the provisions of this Act or regulations, unless otherwise determined by the Authority, the central recordkeeping agency shall not be entitled to claim any compensation in respect of such regulated assets.

Point of
presence.

22. (1) The Authority may, by granting a certificate of registration under sub-section (3) of section 27, permit one or more persons to act as a point of presence for the purpose of receiving contributions and instructions, transmitting them to the Trustee Bank or the central recordkeeping agency, as the case may be, and paying out benefits to subscribers in accordance with the regulations made by the Authority from time to time in this regard.

(2) A point of presence shall function in accordance with the terms of its certificate of registration and the regulations made under this Act.

Pension funds.

23. (1) The Authority may, by granting a certificate of registration under sub-section (3) of section 27, permit one or more persons to act as a pension fund for the purpose of receiving contributions, accumulating them and making payments to the subscriber in such manner as may be specified by regulations.

(2) The number of pension funds shall be determined by regulations and the Authority may, in public interest, vary the number of pension funds:

Provided that at least one of the pension funds shall be a Government company.

Explanation.—For the purposes of this sub-section, the expression “Government company” shall have the meaning assigned to it in section 617 of the Companies Act, 1956.

1 of 1956.

(3) The pension fund shall function in accordance with the terms of its certificate of registration and the regulations made under this Act.

(4) The pension fund shall manage the schemes in accordance with the regulations.

Certain
restrictions on
foreign
companies or
individual or
association of
persons.

24. The aggregate holding of equity shares by a foreign company either by itself or through its subsidiary companies or its nominees or by an individual or by an association of persons whether registered or not under any law of a country outside India taken in aggregate in the pension fund shall not exceed twenty-six per cent. of the paid-up capital of such fund or such percentage as may be approved for an Indian insurance company under the provisions of the Insurance Act, 1938, whichever is higher.

4 of 1938.

43 of 1961. *Explanation.*—For the purposes of this section, the expression “foreign company” shall have the meaning assigned to it in clause (23A) of section 2 of the Income-tax Act, 1961.

25. No pension fund shall, directly or indirectly invest outside India, the funds of subscribers.

Prohibition of investment of funds of subscribers outside India.

26. The central recordkeeping agency, points of presence and pension funds, shall satisfy the eligibility norms as may be specified by the regulations, including minimum capital requirement, past track-record including the ability to provide guaranteed returns, costs and fees, geographical reach, customer base, information technology capability, human resources and such other matters.

Eligibility norms of the central record-keeping agency, etc.

CHAPTER VII

REGISTRATION OF INTERMEDIARIES

27. (1) No intermediary, including a pension fund or a point of presence to the extent regulated under this Act, shall commence any activity relating to a pension fund except under and in accordance with the conditions of a certificate of registration granted by the Authority in accordance with the provisions of this Act and the regulations:

Registration of central record-keeping agency, pension fund, point of presence, etc.

Provided that any intermediary, including any point of presence, who had been associated with a pension scheme and appointed to act as such by the Interim Pension Fund Regulatory and Development Authority immediately before the establishment of the Authority under this Act for which no registration certificate was necessary prior to such establishment, and may continue to do so for a period of six months from such establishment or, if he has made an application for such registration within the said period of six months till the disposal of such application.

(2) Every application for grant of a certificate of registration under this Act shall be in such form and manner and shall be accompanied by such fees as may be determined by regulations.

(3) The Authority may, after considering the application and subject to such terms and conditions as it may specify, grant a certificate of registration as a central recordkeeping agency, point of presence, pension fund or such other intermediary, as the case may be.

(4) The Authority may, by order, suspend or cancel a certificate of registration granted under sub-section (3) in such manner as may be determined by regulations:

Provided that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard.

CHAPTER VIII

PENALTIES AND ADJUDICATION

28. (1) Any person, who is required under this Act or any rules or regulations made thereunder,—

(a) to obtain a certificate of registration from the Authority for carrying on any activity under this Act, carries on such activities without obtaining such certificate of registration, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or one crore rupees, whichever is less;

(b) to comply with the terms and conditions of a certificate of registration fails to do so, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or one crore rupees, whichever is less;

(c) to furnish any information, document, books, returns or report to the Authority, fails to furnish the same within the time specified by the Authority, he shall be liable to a penalty which may extend to one crore rupees or five times the amount of profits made or losses avoided, whichever is higher;

Penalty for failure by an intermediary or any other person to comply with provisions of this Act, rules, regulations and directions.

(d) to maintain books of account or records, fails to maintain the same, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or five times the amount of profits made or losses avoided, whichever is higher.

(2) If any person, who is required under this Act or any rules or regulations made thereunder, to enter into an agreement with his client, fails to enter into such agreement, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or five times the amount of profits made or losses avoided, whichever is higher.

(3) If any intermediary registered with the Authority, after having been called upon by the Authority, in writing, to redress the grievances of subscribers, fails to redress such grievances within the time stipulated by the Authority, he shall be liable to a penalty of not more than one crore rupees or five times the amount of profits made or losses avoided, whichever is higher.

(4) If any person, who is registered under this Act as an intermediary, fails to segregate moneys of the client or clients or uses the moneys of a client or clients for self or for any other client, he shall be liable to a penalty not exceeding one crore rupees or five times the amount of profits made or losses avoided, whichever is higher.

(5) Whoever fails to comply with any provision of this Act, the rules or the regulations made or the directions issued by the Authority under the provisions of this Act for which no separate penalty has been provided, he shall be liable to a penalty which may extend to one crore rupees or five times the amount of profits made or losses avoided, whichever is higher.

Crediting sums realised by way of penalties to Subscriber Education and Protection Fund.

29. All sums realised by way of penalties under this Act shall be credited to the Subscriber Education and Protection Fund established under sub-section (1) of section 41.

Power to adjudicate.

30. (1) For the purposes of adjudging under section 28, the Authority shall appoint any of its officers not below the rank specified by regulations to be an adjudicating officer for holding an inquiry as may be determined by regulations, after giving the person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry, the adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of section 28, he may recommend such penalty as he thinks fit in accordance with the provisions of that section, to the member in charge of investigation and surveillance.

(3) The penalty shall be imposed by a member other than the member in charge of investigation and surveillance:

Provided that while adjudging the quantum of penalty under section 28, the member shall have due regard to the following factors, namely:—

- (a) amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;
- (b) amount of loss caused to a subscriber or group of subscribers; and
- (c) the repetitive nature of the default.

Attachment of assets and supersession of management of intermediary.

31. (1) Any person aggrieved may apply to the Authority for an interim measure of protection in respect of any of the following matters, namely:—

- (a) the retention, preservation, interim custody or sale of any asset or property which is regulated by the provisions of this Act;
- (b) securing any pension fund, moneys and other assets and properties owned by or under the control of the pension fund;

(c) interim injunction or appointment of an administrator; and

(d) such other interim measures as may appear to the Authority to be just and necessary,

and the Authority shall have power to make such orders including an order for attachment of assets of the pension fund as it deems fit in this regard.

(2) Where, on a complaint received by the Authority or *suo motu*, the Authority, after conducting an inquiry, comes to a conclusion that the governing board or board of directors, by whatever name called, or the persons in control of any intermediary to the extent regulated under this Act are indulging in any activity which is in contravention of the provisions of this Act or regulations, it may supersede the governing board or board of directors or management of the intermediary in accordance with the provisions of the regulations.

(3) In case the governing board or board of directors or management of an intermediary is superseded under sub-section (2), the Authority may appoint an Administrator to manage the affairs of the intermediary in accordance with the provisions contained in the regulations.

32. (1) Without prejudice to any award of penalty by the member under this Act, if any person contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder, he shall be punishable with imprisonment for a term which may extend to ten years, or with fine, which may extend to twenty-five crore rupees or with both.

Offences.

(2) If any person fails to pay the penalty imposed by the member or fails to comply with any of the directions or orders issued by the member, he shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to ten years, or with fine, which may extend to twenty-five crore rupees, or with both.

33. (1) The Central Government may, on the recommendation by the Authority, if satisfied, that any person, who is alleged to have violated any of the provisions of this Act or the rules or the regulations made thereunder, has made a full and true disclosure in respect of alleged violation, grant to such person, subject to such conditions as it may think fit to impose, immunity from prosecution for any offence under this Act, or the rules or the regulations made thereunder and also from the imposition of any penalty under this Act with respect to the alleged violation:

Power to grant immunity.

Provided that no such immunity shall be granted by the Central Government in cases where the proceedings for the prosecution for any such offence have been instituted before the date of receipt of application for grant of such immunity:

Provided further that the recommendation of the Authority under this sub-section shall not be binding upon the Central Government.

(2) An immunity granted to a person under sub-section (1) may, at any time, be withdrawn by the Central Government, if it is satisfied that such person had, in the course of the proceedings, not complied with the condition on which the immunity was granted or had given false evidence, and thereupon such person may be tried for the offence with respect to which the immunity was granted or for any other offence of which he appears to have been guilty in connection with the contravention and shall also become liable to the imposition of any penalty under this Act to which such person would have been liable, had no such immunity been granted.

34. Notwithstanding anything contained in—

(i) the Wealth-tax Act, 1957;

(ii) the Income-tax Act, 1961; or

(iii) any other enactment for the time being in force relating to tax on wealth, income, profits or gains,

Exemption from tax on wealth, income, profits and gains.

the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of its wealth, income, profits or gains derived.

Cognizance of offences by court.

35. (1) No court shall take cognizance of any offence punishable under this Act or any rules or regulations made thereunder, save on a complaint made by the Authority.

(2) No court inferior to that of a Court of Session shall try any offence punishable under this Act.

Appeal to Securities Appellate Tribunal.

36. (1) Any person aggrieved by an order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Securities Appellate Tribunal which shall have jurisdiction over the matter.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date of receipt of the order appealed against and it shall be in such form and manner and shall be accompanied by such fee as may be prescribed:

Provided that the Securities Appellate Tribunal may entertain an appeal after the expiry of the said period, if it is satisfied that there was sufficient cause for not preferring the appeal within that period.

(3) On receipt of an appeal under sub-section (1), the Securities Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Securities Appellate Tribunal shall send a copy of every order made by it to the Authority, the parties to the appeal and to the adjudicating officers concerned.

(5) The appeal filed before the Securities Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within six months from the date on which the appeal is presented to it.

(6) Without prejudice to the provisions of sections 15T and 15U of the Securities and Exchange Board of India Act, 1992, the Securities Appellate Tribunal shall deal with an appeal under this section in accordance with such procedure as may be prescribed. 15 of 1992.

Civil Court not to have jurisdiction.

37. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an adjudicating officer appointed under this Act or a Securities Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Appeal to Supreme Court.

38. Any person aggrieved by any decision or order of the Securities Appellate Tribunal under this Act may file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Securities Appellate Tribunal to him on any question of law arising out of such order:

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

CHAPTER IX

FINANCE, ACCOUNT AND AUDIT

Grants by Central Government.

39. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as that Government may think fit for being utilised for the purposes of this Act.

Constitution of Pension Regulatory and Development Fund.

40. (1) There shall be constituted a fund to be called the Pension Regulatory and Development Fund and there shall be credited thereto—

(a) all Government grants, fees and charges received by the Authority;

(b) all sums received by the Authority from such other source as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) the salaries, allowances and other remuneration of the Chairperson and other members and officers and other employees of the Authority;

(b) other expenses of the Authority in connection with the discharge of its functions and for the purposes of this Act.

41. (1) The Authority shall establish a fund to be called the Subscriber Education and Protection Fund.

Constitution of Subscriber Education and Protection Fund.

(2) There shall be credited to the Subscriber Education and Protection Fund the following amounts, namely:—

(a) grants and donations given to the Subscriber Education and Protection Fund by the Central Government, State Governments, companies or any other institutions for the purposes of the Subscriber Education and Protection Fund;

(b) the interest or other income received out of the investments made from the Subscriber Education and Protection Fund;

(c) the sums realised by way of penalties by the Authority under section 28.

(3) The Subscriber Education and Protection Fund shall be administered and utilised by the Authority for protection of the interests of subscribers in accordance with regulations made for the purpose.

42. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit-report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER X

MISCELLANEOUS

43. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give, in writing to it, from time to time:

Power of Central Government to issue directions.

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

Power of
Central
Government
to supersede
Authority.

44. (1) If at any time the Central Government is of the opinion that—

(a) on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) the Authority has persistently defaulted in complying with any direction issued by the Central Government that the Central Government is entitled to issue under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has deteriorated; or

(c) circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification and for reasons to be specified therein, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) the Chairperson and other members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the Central Government; and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority.

(4) The Central Government shall, as soon as may be, cause a copy of the notification issued under sub-section (1) and a full report of any action taken by it, to be laid before each House of Parliament.

Establishment
of Pension
Advisory
Committee.

45. (1) The Authority may, by notification, establish with effect from such date as it may specify in the notification, a Committee to be known as the Pension Advisory Committee.

(2) The Pension Advisory Committee shall consist of not more than twenty-five members, excluding *ex officio* members, to represent the interests of employees' associations, subscribers, commerce and industry, intermediaries, and organisations engaged in pension research.

(3) The Chairperson and the members of the Authority shall be the *ex officio* Chairperson and *ex officio* members of the Pension Advisory Committee.

(4) The objects of the Pension Advisory Committee shall be to advise the Authority on matters relating to the making of the regulations under section 52.

(5) Without prejudice to the provisions of sub-section (4), the Pension Advisory Committee may advise the Authority on such matters as may be referred to it by the Authority and also on such matters as the Committee may deem fit.

Furnishing of
returns, etc.,
to Central
Government.

46. (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed, or as the Central Government may direct to furnish such returns, statements and other particulars in regard to any proposed or existing programme for the promotion and development of the pension industry as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Authority shall, within nine months after the close of each financial year, submit to the Central Government a report giving a true and full account of its activities including the activities for promotion and development of schemes of pension funds regulated under this Act during the previous financial year.

(3) Copies of the reports received under sub-section (2) shall be laid, as soon as may be, after they are received, before each House of Parliament.

45 of 1860.

47. The Chairperson and other members and officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members,
• officers and
employees of
Authority to
be public
servants.

48. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of
action taken
in good faith.

49. (1) The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under section 52) as it may deem necessary.

Delegation of
powers.

(2) The Authority may, by a general or special order in writing, also form committees of the members and delegate to them the powers and functions of the Authority as may be specified by the regulations.

50. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

51. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salary and allowances payable to and the other conditions of service of the Chairperson and whole-time members under sub-section (3) of section 5;

(b) the allowances payable to part-time members under sub-section (4) of section 5;

(c) the additional functions which may be performed by the Authority under clause (p) of sub-section (2) of section 14;

(d) any other matter in respect of which the Authority may exercise the powers of a civil court under clause (v) of sub-section (3) of section 14;

(e) the procedure to be followed by the authorised officer under sub-section (10) of section 17;

(f) the form and manner in which an appeal may be filed before the Securities Appellate Tribunal and the fee which shall accompany such appeal, under sub-section (2) of section 36;

(g) the procedure to be followed by the Securities Appellate Tribunal in dealing with an appeal, under sub-section (6) of section 36;

(h) the form in which annual statement of accounts shall be maintained by the Authority under sub-section (1) of section 42;

(i) the time within which and the form and manner in which returns and reports are to be made by the Authority to the Central Government under sub-section (1) of section 46;

(j) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

Power to
make
regulations.

52. (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the time and places of meetings of the Authority and the procedure to be followed at such meetings (including the quorum at such meetings) under sub-section (1) of section 9;

(b) the terms and other conditions of service of the officers and other employees of the Authority under sub-section (2) of section 11;

(c) the regulations to be made by the Authority in respect of pension schemes referred to in clause (b) of sub-section (1) of section 12 and the time within which such schemes should conform to the regulations, made under sub-section (2) of that section;

(d) the establishing of mechanisms for redressing grievances of subscribers under clause (f) of sub-section (2) of section 14;

(e) the form and manner in which books of account shall be maintained and statement of accounts shall be rendered by intermediaries under clause (n) of sub-section (2) of section 14;

(f) amendment to the National Pension System referred to in sub-section (1) of section 20;

(g) the conditions of its purpose, frequency and limits for withdrawals from individual pension account referred to in clause (b) of sub-section (2) of section 20;

(h) the conditions subject to which the subscriber shall exit from the National Pension System referred to in clause (h) of sub-section (2) of section 20;

(i) the conditions subject to which the subscriber shall purchase an annuity referred to in clause (i) of sub-section (2) of section 20;

(j) the duties and functions of central recordkeeping agency under sub-section (2) of section 21;

(k) the determination of compensation of fair value of the regulated assets payable to central recordkeeping agency under proviso to sub-section (3) of section 21;

(l) the manner of receiving contributions and instructions and transmitting them to the Trustee Bank or central recordkeeping agency, as the case may be, and paying

out the benefits to the subscribers, under sub-section (1), and the regulations governing functioning of points of presence under sub-section (2) of section 22;

(m) the manner in which a pension fund may receive contributions, accumulate them and make payments to the subscriber under sub-section (1), the number of pension funds under sub-section (2), the functioning of the pension fund under sub-section (3), and the manner of managing the schemes by the pension fund under sub-section (4) of section 23;

(n) the form and manner in which an application for grant of certificate of registration shall be made and the fee which shall accompany such application under sub-section (2) of section 27;

(o) the conditions subject to which a certificate of registration may be granted to an intermediary under sub-section (3) of section 27;

(p) the procedure and manner of suspension or cancellation of certificate of registration of intermediaries under sub-section (4) of section 27;

(q) the procedure for holding inquiry by an adjudicating officer under sub-section (1) of section 30;

(r) the supersession of the governing board or board of directors of the intermediary under sub-section (2) of section 31;

(s) the management of affairs of the intermediary by an Administrator under sub-section (3) of section 31;

(t) the manner of administering and utilising the Subscriber Education and Protection Fund under sub-section (3) of section 41;

(u) the delegation of powers and functions of the Authority to committees under sub-section (2) of section 49;

(v) establishment, duties and functioning of the National Pension System Trust;

(w) any other matter which is required to be or may be specified by regulations or in respect of which provision is to be or may be made by regulations.

53. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear it to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

55. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Application of other laws not barred.

Savings.

56. Anything done or any action taken by the Interim Pension Fund Regulatory and Development Authority and Central Government under the Resolutions of the Government of India in the Ministry of Finance number F. No. 5/7/2003-ECB&PR, dated the 10th October, 2003 and F.No.1(6)2007-PR, dated the 14th November, 2008 and notification number F. No. 5/7/2003-ECB & PR, dated the 22nd December, 2003, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Sd/-

P. K. Malhotra,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

Arvind Agarwal

Principal Secretary to Government.

Government Central Press, Gandhinagar.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LV]

WEDNESDAY, MAY 14, 2014/VAISAKHA 24, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/44-2014/Act.-24-13/E:- The following Act of Parliament is republished for general information :-

Government of India

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 19th September, 2013, Bhadra 28, 1935 (Sake)

The following Act of Parliament has received the assent of the President on the 18th September, 2013, is hereby published for general information:-

THE CONSTITUTION (SCHEDULED TRIBES) ORDER

(AMENDMENT) ACT, 2013

No. 24 OF 2013

[18th September, 2013.]

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows :-

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2013. Short title.

C.O. 22.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950,-

(a) in Part VII.-Kerala, after entry 27, insert-

"28 Marati (of the Hosdurg and Kasargod Talukas of Kasargod District)";

Amendment
of Part VII
and Part XX
of
Constitution
(Scheduled
Tribes)
Order, 1950.

(b)

In Part XX.--Chhattisgarh,--

- (i) in entry 16, after "Asur,", insert "Abhuj Maria,";
- (ii) in entry 27, after "Korwa,", insert "Hill Korwa,";

Sd/-

P. K. Malhotra,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARVAL,

Principal Secretary to Government.



सत्यमेव जयते

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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/44-2014/Act-25-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 19th September, 2013, Bhadra 28, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 18th September, 2013, is hereby published for general information :-

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

No. 25 of 2013

[18th September, 2013]

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

WHEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

AND WHEREAS article 46 of the Constitution, inter alia, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “agency” means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;

(b) “appropriate government”, in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;

(c) “Chief Executive Officer”, in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

(d) “hazardous cleaning” by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(e) “insanitary latrine” means a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ*, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

(f) “local authority” means,—

(i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; and

(iii) a railway authority;

(g) “manual scavenger” means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a

railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

Explanation.—For the purpose of this clause,—

(a) "engaged or employed" means being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger';

64 of 1993.

(h) "National Commission for Safai Karmacharis" means the National Commission for Safai Karmacharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 and continued by Resolution of the Government of India in the Ministry of Social Justice and Empowerment *vide* No.17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;

(i) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(j) "occupier", in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;

(k) "owner", in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;

(l) "prescribed" means prescribed by the rules made under this Act;

(m) "railway authority" means an authority administering railway land, as may be notified by the Central Government in this behalf;

24 of 1989.

(n) "railway land" shall have the meaning assigned to it in clause (32A) of section 2 of the Railways Act, 1989;

(o) "sanitary latrine" means a latrine which is not an 'insanitary latrine';

(p) "septic tank" means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;

(q) "sewer" means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;

(r) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(s) "survey" means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.

41 of 2006.

(2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, shall have the same meanings respectively assigned to them in that Act.

(3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

Act to have
overriding
effect.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law. 46 of 1993.

CHAPTER II

IDENTIFICATION OF INSANITARY LATRINES

Local
authorities to
survey
insanitary
latrines and
provide
sanitary
community
latrines.

4. (1) Every local authority shall,—

(a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;

(b) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (a), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

(c) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found.

(2) Without prejudice to the provisions contained in sub-section (1), Municipalities, Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within such period not exceeding three years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defecation in their jurisdiction.

(3) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (1) and (2), and also to make arrangements for their hygienic upkeep at all times.

Explanation.—For the purposes of this section, “community” in relation to railway authorities means passengers, staff and other authorised users of railways.

CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

Prohibition of
insanitary
latrines and
employment
and engage-
ment of
manual
scavenger.

5. (1) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person, local authority or any agency shall, after the date of commencement of this Act,— 46 of 1993.

(a) construct an insanitary latrine; or

(b) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.

(2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause (b) of sub-section (1) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,—

(a) the owner of the premises, in case one of the occupiers happens to be the owner; and

(b) all the occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

(3) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (2), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.

6. (1) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

Contract, agreement, etc., to be void.

(2) Notwithstanding anything contained in sub-section (1), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.

7. No person, local authority or any agency shall, from such date as the State Government may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.

8. Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Penalty for contravention of section 5 or section 6.

9. Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

Penalty for contravention of section 7.

10. No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence.

Limitation of prosecution.

CHAPTER IV

IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

11. (1) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.

Survey of manual scavengers in urban areas by Municipalities.

(2) The content and methodology of the survey referred to in sub-section (1) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

(3) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(4) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(5) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.

(6) All objections received in pursuance of sub-section (5), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.

(7) As soon as the final list of manual scavengers, referred to in sub-section (6) is published, the persons included in the said list shall, subject to the provisions of sub-section (2) of section 6, stand discharged from any obligation to work as manual scavengers.

Application
by an urban
manual
scavenger for
identification.

12. (1) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 11, or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.

(3) If an application is received under sub-section (1) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (2), action shall be taken to add the name of such a person to the final list published under sub-section (6) of section 11, and the consequences mentioned in sub-section (7) thereof shall follow.

Rehabilita-
tion of
persons
identified as
manual
scavengers
by a Muni-
cipality.

13. (1) Any person included in the final list of manual scavengers published in pursuance of sub-section (6) of section 11 or added thereto in pursuance of sub-section (3) of section 12, shall be rehabilitated in the following manner, namely:—

(a) he shall be given, within one month,—

(i) a photo identity card, containing, *inter alia*, details of all members of his family dependent on him, and

(ii) such initial, one time, cash assistance, as may be prescribed;

(b) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(d) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;

(e) he, or at least one adult member of his family, shall be given, subject to

eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(f) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(2) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (1) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.

14. If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, *mutatis mutandis*, in accordance with the provisions of section 11 and section 12, to identify such person.

Survey of manual scavengers in rural areas by Panchayats.

15. (1) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

Application by a rural manual scavenger for identification.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.

16. Any person included in the final list of manual scavengers, published in pursuance of section 14 or added thereto in pursuance of sub-section (2) of section 15 shall be rehabilitated, *mutatis mutandis*, in the manner laid down for urban manual scavengers in section 13.

Rehabilitation of persons identified as manual scavengers by a Panchayat.

CHAPTER V

IMPLEMENTING AUTHORITIES

17. Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,—

Responsibility of local authorities to ensure elimination of insanitary latrines.

(i) no insanitary latrine is constructed, maintained or used within its jurisdiction; and

(ii) in case of contravention of clause (i), action is taken against the occupier under sub-section (3) of section 5.

18. The appropriate Government may confer such powers and impose such duties on local authority and District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out, and a local authority and the District Magistrate may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

Authorities who may be specified for implementing provisions of this Act.

19. The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,—

Duty of District Magistrate and authorised officers.

(a) no person is engaged or employed as manual scavenger within their jurisdiction;

(b) no one constructs, maintains, uses or makes available for use, an insanitary latrine;

(c) manual scavengers identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;

(d) persons contravening the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and

(e) all provisions of this Act applicable within his jurisdiction are duly complied with.

Appointment
of inspectors
and their
powers.

20. (1) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of,—

(a) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;

(b) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;

(c) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;

(d) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and

(e) exercise such other powers as may be prescribed.

(3) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

45 of 1860.

(4) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any such search or seizure under sub-section (2) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code.

2 of 1974.

CHAPTER VI

PROCEDURE FOR TRIAL

Offences to
be tried by
Executive
Magistrate.

21. (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class.

2 of 1974.

(2) An offence under this Act may be tried summarily.

Offence to be
cognizable
and non-
bailable.

22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and non-bailable.

2 of 1974.

23. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by companies.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

CHAPTER VII

VIGILANCE COMMITTEES

24. (1) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division.

Vigilance Committees.

(2) Each Vigilance Committee constituted for a district shall consist of the following members, namely:—

(a) the District Magistrate—Chairperson, *ex officio*;

(b) all members of the State Legislature belonging to the Scheduled Castes elected from the district—members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

(c) the district Superintendent of Police—member, *ex officio*;

(d) the Chief Executive Officer of,—

(i) the Panchayat at the district level—member, *ex officio*;

(ii) the Municipality of the district headquarters—member, *ex officio*;

(iii) any other Municipal Corporation constituted in the district—member, *ex officio*;

(iv) Cantonment Board, if any, situated in the district—member, *ex officio*;

(e) one representative be nominated by the railway authority located in the district;

(f) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;

(g) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(h) the district-level officer in-charge of the Scheduled Castes Welfare—Member-Secretary, *ex officio*;

(i) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—

(a) the Sub-Divisional Magistrate—Chairperson, *ex officio*;

(b) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate—member, *ex officio*;

(c) the Sub-Divisional Officer of Police—member, *ex officio*;

(d) Chief Executive Officer of—

(i) the Municipality of the Sub-Divisional headquarters—member, *ex officio*; and

(ii) Cantonment Board, if any, situated in the Sub-Division—member, *ex officio*;

(e) one representative to be nominated by the railway authority located in the Sub-Division—member, *ex officio*;

(f) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;

(g) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(h) the Sub-Divisional level officer in-charge of Scheduled Castes welfare—Member-Secretary, *ex officio*;

(i) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act—member, *ex officio*.

(4) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.

(5) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

Functions of
Vigilance
Committee.

25. The functions of Vigilance Committee shall be—

(a) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to oversee the economic and social rehabilitation of manual scavengers;

(c) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;

(d) to monitor the registration of offences under this Act and their investigation and prosecution.

26. (1) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:—

State
Monitoring
Committee.

(a) the Chief Minister of State or a Minister nominated by him—Chairperson, *ex officio*;

(b) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the State Government may notify;

(c) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any— member, *ex officio*;

(d) representatives of the National Commission for Scheduled Castes, and Safai Karamcharis—member, *ex officio*;

(e) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government:

Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State Government may nominate the members belonging to the Scheduled Tribes;

(f) the Director-General of Police— member, *ex officio*;

(g) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;

(h) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;

(i) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;

(j) State-level head of the convener Bank of the State Level Bankers' Committee— member, *ex officio*;

(k) Secretary of the Department of the State Government dealing with development of the Scheduled Castes—Member-Secretary, *ex officio*;

(l) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(2) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

27. The functions of the State Monitoring Committee shall be—

Functions of
the State
Monitoring
Committee.

(a) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

28. Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

Duty of
States or
Union
territories to
send periodic
reports to the
Central
Government:

29. (1) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section.

Central
Monitoring
Committee.

(2) The Central Monitoring Committee shall consist of the following members, namely:—

(a) The Union Minister for Social Justice and Empowerment—Chairperson, *ex officio*;

(b) Chairperson of the National Commission for Scheduled Castes—member, *ex officio*;

(c) Minister of State in the Ministry of Social Justice and Empowerment—member, *ex officio*;

(d) Chairperson, National Commission for Safai Karamcharis—member, *ex officio*;

(e) the Member of the Planning Commission dealing with development of the Scheduled Castes—member, *ex officio*;

(f) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;

(g) Secretaries of the Ministries of,—

(i) Social Justice and Empowerment, Department of Social Justice and Empowerment;

(ii) Urban Development;

(iii) Housing and Urban Poverty Alleviation;

(iv) Drinking Water and Sanitation;

(v) Panchayati Raj;

(vi) Finance, Department of Financial Services; and

(vii) Defence,

members, *ex officio*;

(h) Chairman, Railway Board—member, *ex officio*;

(i) Director-General, Defence Estates—member, *ex officio*;

(j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;

(k) not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;

(l) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes—Member-Secretary, *ex officio*;

(m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.

(3) The Central Monitoring Committee shall meet at least once in every six months.

30. The functions of the Central Monitoring Committee shall be,—

(a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental to or connected with implementation of this Act.

31. (1) The National Commission for Safai Karamcharis shall perform the following functions, namely:—

Functions of
National
Commission
for Safai
Karamcharis.

(a) to monitor the implementation of this Act;

(b) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and

(c) to advise the Central and the State Governments for effective implementation of the provisions of this Act.

(d) to take *suo motu* notice of matter relating to non-implementation of this Act.

(2) In the discharge of its functions under sub-section (1), the National Commission shall have the power to call for information with respect to any matter specified in that sub-section from any Government or local or other authority.

32. (1) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, *mutatis mutandis*, the functions specified in sub-section (1) of section 31.

Power of
State
Government
to designate
an appropri-
ate authority
to monitor
the imple-
mentation of
this Act.

(2) An authority designated under sub-section (1) shall, within the State, have, *mutatis mutandis*, the powers of the National Commission for Safai Karamcharis as specified in sub-section (2) of section 31.

CHAPTER VIII.

MISCELLANEOUS

33. (1) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning.

Duty of local
authorities
and other
agencies to
use modern
technology
for cleaning
of sewers, etc.

(2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (1).

34. No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act.

Protection of
action taken
in good faith.

35. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act.

Jurisdiction of
civil courts
barred.

36. (1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.

Power of
appropriate
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the obligation of an employer, under clause (d) of sub-section (1) of section 2;

(b) the manner in which the excreta fully decomposes under clauses (e) and (g) of sub-section (1) of section 2;

(c) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause (a) of sub-section (1) of section 4;

(d) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (3) of section 5;

(e) content and methodology of the survey under sub-section (2) of section 11;

(f) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (4) of section 11;

(g) publication of final list of persons found to be working as manual scavengers under sub-section (6) of section 11;

(h) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf, under sub-section (1) of section 12 or, as the case may be, sub-section (1) of section 15;

(i) provision of initial, one time, cash assistance under sub-clause (ii) of clause (a) of sub-section (1) of section 13;

(j) such other powers of Inspectors under clause (e) of sub-section (2) of section 20; and

(k) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power of
Central
Government
to make model
rules.

37. (1) Notwithstanding anything contained in section 36 of this Act:—

(a) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and

(b) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, *mutatis mutandis*, in such State, till such time as the State Government notifies its rules.

(2) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses make any modification in the rule, the rule shall thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

Power to
remove
difficulties.

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. (1) The appropriate Government may, by a general or special order published in the Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time.

Power to
exempt.

(2) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Sd/-

P. K. Malhotra,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

Arvind Agrawal

Principal Secretary to Government.

Government Central Press, Gandhinagar.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/44-2014/Act-26-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 19th September, 2013, Bhadra 28, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 18th September, 2013, is hereby published for general information :-

THE RAJIV GANDHI NATIONAL AVIATION UNIVERSITY ACT, 2013

No. 26 OF 2013

[18th September, 2013.]

An Act to establish and incorporate a national aviation University to facilitate and promote aviation studies and research to achieve excellence in area of aviation management, policy, science and technology, aviation environment, training in governing fields of safety and security regulations on aviation and other related fields to produce quality human resources to cater to the needs of the aviation sector and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rajiv Gandhi National Aviation University Act, 2013.

Short title and
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

Definitions.

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

- (c) "Board of Schools" means the Board of Schools of the University;
- (d) "Campus" means the unit established or constituted by the University for making arrangements for instruction, research, education and training;
- (e) "Chancellor and Vice-Chancellor" mean, respectively, the Chancellor and Vice-Chancellor of the University;
- (f) "College" means a college maintained by or admitted to the privileges of the University for imparting education and training in aviation studies or in its associated disciplines;
- (g) "Court" means the Court of the University;
- (h) "Dean of School" means an administrative officer in charge of a college, faculty or a Division in a University;
- (i) "Department" means a Department of Studies and includes a Centre of Studies;
- (j) "Director General" means the Director General of Civil Aviation;
- (k) "Distance Education System" means the system of imparting education through any means of communication, such as broadcasting, telecasting, internet, correspondence courses, seminars, contact programmes, e-learning or the combination of such means;
- (l) "employee" means any person appointed by the University and includes teachers and other staff of the University;
- (m) "Executive Council" means the Executive Council of the University;
- (n) "Finance Committee" means the Finance Committee of the University;
- (o) "Hall" means a unit of residence for the students of the University or of a College or an Institution maintained by the University;
- (p) "Institution" means an institution, school, college or centre of studies maintained by or admitted to the privileges of the University for imparting education, training and research in aviation studies or in its associated disciplines;
- (q) "notification" means a notification published in the Official Gazette;
- (r) "off-shore Campus" means an institution, college, centre, school or campus of the University established outside the country;
- (s) "principal" means the head of a college or an institution;
- (t) "recognised Institution" means an institution admitted to the privileges of the University for imparting education in aviation studies or its associated disciplines;
- (u) "recognised teachers" means such persons as are recognised by the University for the purpose of imparting instructions in a college or an institution admitted to the privileges of the University;
- (v) "school" means a School of Studies of the University;
- (w) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, the Ordinances and the Regulations of the University made under this Act;
- (x) "teachers of the University" means Professors, Associate Professors, Assistant Professors, Readers, Senior Lecturers, Lecturers and such other persons as may be appointed or recognised for imparting instruction or conducting research in the University or in any college or institution maintained by the University or for giving guidance to students for any course of study of the University are designated as teachers by the Statutes;

(y) "University" means the National Aviation University established under this Act;

3 of 1956. (z) "University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956.

3. (1) There shall be established a University by the name of "Rajiv Gandhi National Aviation University".

Establishment
of
University.

(2) The headquarters of the University shall be at Fursatganj in the District of Raebareilly in the State of Uttar Pradesh;

(3) The University may establish or maintain campuses and centres at such other places within its jurisdiction as it may deem fit.

(4) The first Chancellor, the first Vice-Chancellor, the first members of the Court, the Executive Council, the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

(5) The University shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall by that name, sue and be sued.

(6) The University shall be a teaching, research and affiliating Aviation University.

4. The objects of the University shall be,—

Objects of
University.

(i) to facilitate and promote aviation studies, teaching, training, research and extension work with focus on emerging areas of studies such as aviation management, aviation regulation and policy, aviation history, aviation science and engineering, aviation law, aviation safety and security, aviation medicine, search and rescue, transportation of dangerous goods, environmental studies and other related fields; and also to achieve excellence in these and connected fields in emerging areas and such areas as may emerge in future;

(ii) to promote advanced knowledge by providing institutional and research facilities in such branches of learning as it may deem fit and to make provisions for integrated courses in management, science and other key and frontier areas of technology and allied disciplines in the educational programmes of the University;

(iii) to create an ambience for learning and scholarship in aviation technology;

(iv) to take appropriate measures for ensuring and regulating the quality of aviation education programmes in India offered by recognised institutions;

(v) to develop academic standards of an international level and undertake other measures as it may deemed fit, to facilitate the development for skilled aviation manpower including the licensed category of aviation personnel;

(vi) to develop various programmes for airlines, airport, aviation authorities and staff ranging from airline management and marketing, airport management, regulations and aviation law, aviation safety and security or any other programme and train manpower in aviation field;

(vii) to take appropriate measures for promoting innovations in teaching-learning process, undertake inter-disciplinary studies and research.

5. (1) The University shall have the following powers, namely:—

Powers of
University.

(i) to provide for instructions in the aviation related natural sciences, social sciences, humanities, engineering, technology and medicine or as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(ii) to recognise aviation training colleges and institutes and to make provisions for recognising of such colleges and institutions, maintenance of standards and to undertake special studies;

(iii) to establish and maintain campuses, departments, laboratories, libraries, museums, centres of research, training and specialised studies;

(iv) to establish and maintain hostel, health centres and other related facilities like auditoria, playgrounds, gymnasiums, swimming pools and training facilities;

(v) to establish linkages and collaborate with any other college or University, research institution, industry association, professional or any other organisations in India or outside India to conceptualise, design and develop specific programmes on aviation as part of education and research, training programmes and exchange programmes for students, academic staff and others;

(vi) to provide for establishment of campuses, colleges and Institutions for serving a group of recognised colleges and to provide for and maintain common resource centres in such campuses in the form of libraries, laboratories, computer centres and the like centres of learning;

(vii) to prepare educational programmes or courses leading to award of Diploma, Degree, Post Graduate Degrees in the field of civil aviation;

(viii) to grant, subject to such conditions as the University may determine, degrees including doctoral degrees, diplomas or certificates other than Certificates of Competencies of licensed aviation personnel, which shall continue to be issued by Director General of Civil Aviation, Government of India till the Central Government otherwise decides, and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such degrees including doctoral degrees, diplomas, certificates, or other academic distinctions for good and sufficient cause;

(ix) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(x) to organise and to undertake extra-mural studies, training and extension services;

(xi) to institute Directorships, Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or academic positions;

(xii) to provide for the terms and conditions of service of Directors, Principals and teachers and other members of the academic staff appointed by the University;

(xiii) to appoint persons working in any other University or organisation as teachers of the University for a specified period;

(xiv) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(xv) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(xvi) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(xvii) to create teaching, non-teaching, administrative, ministerial and other posts in the University and to make appointments thereto;

(xviii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning within India or located outside the country, in such manner and for such purposes as the University may determine;

(xix) to approve appointment of persons for imparting instructions in any institution admitted to the privileges of the University and to withdraw such approval;

(xx) to inspect recognised institutions through suitable machinery established for the purpose, and to take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, hospital, workshop and other academic facilities are provided for;

(xxi) to coordinate the work of different colleges and institutions working in the same and similar areas;

(xxii) to set up facilities like computer centre, training centre, instrumentation centre, library, simulators or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(xxiii) to set up curriculum development centres for different subjects;

(xxiv) to admit to its privileges colleges and institutions, not maintained by the University, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xxv) to recognise guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(xxvi) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(xxvii) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xxviii) to institute and award fellowships, scholarships, studentships, assistantships, medals and prizes;

(xxix) to demand and receive payment of fees and other charges;

(xxx) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxxi) to make such special arrangements in respect of women students as the University may consider desirable;

(xxxii) to regulate the conduct of the students of the University;

(xxxiii) to control and regulate admission of students for various courses of study in Departments, recognised institutions, schools and centres of studies;

(xxxiv) to regulate the work and conduct of the employees of the University;

(xxxv) to regulate and enforce discipline among the employees and students of the University and to take such disciplinary measures in this regard as may be deemed necessary;

(xxxvi) to make arrangements for promoting the health and general welfare of the employees of the University;

(xxxvii) to receive benefactions, donations and gifts from persons and to name after them such chairs, institutions, buildings and the like, the University may determine, whose gift or donation to the University is worth such amount as the University may decide;

(xxxviii) to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(xxxix) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(xl) to assess needs of the students in terms of subjects, fields of specialisation, levels of education and training of technical manpower, both on short and long term basis, and to initiate necessary programmes to meet these needs;

(xli) to initiate measures to enlist the co-operation of the industry to provide complementary facilities;

(xlii) to provide for instruction through "distance learning" and "open approach" and for mobility of students from the non-formal open learning stream to the formal stream and *vice versa*;

(xliii) to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objective;

(xliv) to confer autonomous status on a college or an institution or a Department, as the case may be, in accordance with the Statutes;

(xlv) to arrange for the training to upgrade aviation standard of the employees of the industry and institutes and to levy fees for such training as prescribed by the Statutes;

(xlvi) to establish off-shore Campus at any place outside the Country as and when it is considered necessary for advancing the aims and objects of the University; and

(xlvii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an international character and highest possible standards of teaching and research.

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University open to all classes, castes and creed.

7. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or promotion of educational interests of women, physically challenged or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes:

Provided further that no such special provision shall be made on the ground of domicile.

Fund of University.

8. (1) There shall be a University Fund which shall include—

(a) any contribution or grant made by the Central Government or an instrumentality of the Central Government;

(b) any contribution or grant made by the State Governments;

(c) any contribution from aviation companies and aviation industry both Indian and international;

(d) any bequests, donations, endowments or other grants made by any private individual or institution;

(e) income received by the University from fees and charges; and

(f) amounts received from any other source.

(2) The said fund shall be utilised for such purposes of the University and in such manner as may be prescribed by the Statutes and the Ordinances.

9. (1) The President of India shall be the Visitor of the University:

The Visitor.

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge duties of the Visitor.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including colleges and institutions managed by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as he considers necessary, in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any college, institution or campus maintained by the University and also of the examinations, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, colleges or institutions.

(4) The Visitor shall, in every matter referred to in sub-section (3), give notice to the University of his intention to cause an inspection or inquiry to be made—

(a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or

(b) to the management of the college or institution, if the inspection or inquiry is to be made in respect of the college or institution admitted to the privileges of the University, and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present in person and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University, college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Executive Council the results of the inspection or inquiry, and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Executive Council or the management, as the case may be, shall communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(10) Where, the Executive Council or the management does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the management, issue such directions as he may think fit and the Executive Council shall comply with such directions.

(11) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(12) Notwithstanding anything contained in the foregoing provisions, the Visitor may give any direction to the University after giving an opportunity to the University as the circumstances warrant.

(13) The Visitor shall have such other powers as may be prescribed by the Statutes.

Officers of
University.

10. The following shall be the officers of the University:—

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Deans of Schools;
- (4) the Registrar;
- (5) the Finance Officer;
- (6) the Controller of Examinations; and
- (7) such other officers as may be declared by the Statutes to be officers of the University.

The
Chancellor.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University.

(3) The Chancellor shall, if present, preside at the Convocations of the University held for conferring degrees.

The Vice-
Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal

against such action to the Executive Council within ninety days from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of such decision by the authority or the Visitor, as the case may be, under this sub-section.

(5) The Vice-Chancellor may cause an inspection to be made by such person or persons as he may direct, of a College or an Institution not being maintained by the University, its buildings, libraries, laboratories and equipment, and also examinations, teaching and other work conducted or done by the college or the institution and cause an inquiry, to be made in the like manner, in respect of any matter connected with the quality of education and other academic activities of the colleges or the institutions.

(6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

13. Every Dean of the School shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. The Deans of Schools.

14.-(1) The Registrar shall be appointed in such manner and on such terms and conditions of service, as may be prescribed by the Statutes. The Registrar.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

15. The Finance Officer shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. The Finance Officer.

16. The Controller of Examinations shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. The Controller of Examinations.

17. The manner of appointment, terms and conditions of services and powers and duties of other officers of the University shall be prescribed by the Statutes. Other officers.

18. The following shall be the authorities of the University, namely:— Authorities of University.

(1) the Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the Board of Affiliation and Recognition;

(5) the Boards of Schools;

(6) the Finance Committee; and

(7) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Court.

19. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes:

Provided that such number of members, as may be prescribed by the Statutes, shall be elected from among the teachers, employees and students of the University.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

The Executive Council.

20. (1) The Executive Council shall be the principal executive body of the University:

Provided that until the first Executive Council is formed, the Steering Committee of the Ministry of Civil Aviation shall function as an interim Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

The Academic Council.

21. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and supervision over, and be responsible for, the maintenance of standards of instruction, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it as may be prescribed by the Statutes.

(2) The Academic Council shall have the right to advise the Executive Council on all academic matters.

(3) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.

The Board of Affiliation and Recognition.

22. (1) The Board of Affiliation and Recognition shall be responsible for admitting Colleges and Institutions to the privileges of the University.

(2) The constitution of the Board of Affiliation and Recognition, the term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes.

The Boards of Schools.

23. (1) There shall be such number of Boards of Schools as the University may determine from time to time.

(2) The constitution, powers and functions of the Boards of Schools shall be such as may be prescribed by the Statutes.

The Finance Committee.

24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other authorities of University.

25. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to
make Statutes.

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(b) the election and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the manner of appointment of the officers of the University, terms and conditions of service, their powers, emoluments and functions that may be exercised and performed by such authority;

(d) the manner of appointment of teachers, academic staff and other employees of the University, their emoluments and other conditions of service;

Provided that the terms and conditions of teachers, academic staff and other employees shall not be varied to their disadvantage;

(e) the manner of appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project, their terms and conditions of service and emoluments;

(f) the conditions of service of employees including provisions for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students of the University and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the coordination and determination of standards in the University;

(k) the conferment of autonomous status on a College or an Institution or a Department;

(l) the establishment and abolition of schools, Departments, centres, Halls, Colleges and Institutions;

(m) the conferment of honorary degrees;

(n) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(o) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(p) the Institution of fellowships, scholarships, studentships, assistantships, medals and prizes;

(q) the delegation of powers vested in the authorities or officers of the University;

(r) the maintenance of discipline among the employees and students; and

(s) all other matters which by this Act are to be or may be provided for by the Statutes.

Statutes how
to be made.

27. (1) The first Statutes of the University shall be framed by the Steering Committee of the Ministry of Civil Aviation and the copy of the same shall be laid as soon as may be, after it is made, before each House of Parliament.

(2) Without prejudice to the provisions contained in sub-section (1), the Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided:

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given reasonable opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration in the light of the observation, if any, made by him.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

Power to make
Ordinances.

28. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;
- (f) the conditions for award of fellowships, scholarships, studentships, assistantships, medals and prizes;
- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of Centre of Studies, Board of Studies, Special centre, Specialised Laboratories and other Committees;

(l) the manner of co-operation and collaboration with other Universities in India or abroad and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the supervision and management of Colleges and Institutions admitted to the privileges of the University;

(p) the setting up of a machinery for redressal of grievances of employees; and

(q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

29. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances in the manner prescribed by the Statutes, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

Regulations.

30. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

Annual report.

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(4) A copy of the annual report shall also be exhibited on the website of the University after having been laid in both Houses of Parliament.

31. (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

Annual accounts.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court along with the observations if any, of the Executive Council and the Court will submit the same to the Visitor along with its observation.

(3) Any observation made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report, as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

Returns and
information.

32. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

Conditions of
service of
employees.

33. (1) The University shall enter into written contract of service with every employee of the University appointed on regular basis or otherwise and the terms and conditions of the contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) A copy of the contract referred to in sub-section (1) shall be kept with the University and a copy thereof shall also be furnished to the employee concerned.

Tribunal of
Arbitration.

34. (1) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(2) The decision of the Tribunal of Arbitration shall be final and binding on the parties and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

(3) Every request made by the employee under sub-section (1), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(4) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of
appeal and
arbitration in
disciplinary
cases against
students.

35. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Disciplinary Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of section 36 shall, as far as may be, apply to a reference made under this sub-section.

Right to
appeal.

36. Every employee or student of the University, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal of any College or Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Provident and
pension fund.

37. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

38. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Disputes as to constitution of University authorities and bodies.

39. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

Constitution of Committees.

40. All the casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appointed, elected or co-opted the members whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person of whose place he fills would have been a member.

Filling of casual vacancies.

41. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of University authorities or bodies not invalidated by vacancies.

42. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection of action taken in good faith.

43. A copy of any receipt, application, notice, order, proceedings resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Mode of proof of University record.

44. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

45. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette and hosted on the website of the University.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

Transitional provisions.

46. Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Visitor;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor on the recommendation of the Vice-Chancellor and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than ten members and ten members, respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first Academic Council shall consist of not more members than Executive Council and they shall hold office for a term of three years:

Provided that any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if such vacancy have not occurred.

Completion of courses of studies in Colleges or Institutions affiliated to University.

47. Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a College or an Institution, who, immediately before the admission of such College or Institution to the privileges of the University, was studying for a degree, diploma or certificate of any University constituted under any Act, shall be permitted by the University, to complete his course for that degree, diploma or certificate; as the case may be, and the University shall provide for the instructions and examination of such student in accordance with the syllabus of studies of such College or Institution or University, as the case may be.

Role of Central Government.

48. (1) The University shall, in discharge of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARVAL,
Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, Dated the 14th May, 2014.

No. RPB/41-2014/Act-27-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 23rd September, 2013, Asvina 1, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 20th September, 2013, is hereby published for general information :-

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 23rd September, 2013, Asvina 1, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 20th September, 2013, and is hereby published for general information :-

THE WAKF (AMENDMENT) ACT, 2013

No. 27 OF 2013

[20th September, 2013.]

An Act to amend the Wakf Act, 1995.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1.(1) This Act may be called the Wakf (Amendment) Act, 2013.

Short title and commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1995

2. In the long title to the Wakf Act, 1995 (hereinafter referred to as the principal Act), for the word "Wakfs", the word "Auqaf" shall be substituted.

Amendment of long title.

3. In section 1 of the principal Act, in sub-section (1), for the word "Wakf", the word "Waqf" shall be substituted.

Amendment of section-1

Substitution of references to certain expressions by certain other expressions.

4. Throughout the principal Act, for the words “wakf”, “wakfs” and “wakif”, wherever they occur, the words “waqf”, “auqaf” and “waqif” shall, respectively, be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

Amendment of section 3.

5. In section 3 of the principal Act,—

(i) after clause (e), the following clause shall be inserted, namely:—

“(ee) “encroacher” means any person or institution, public or private, occupying waqf property, in whole or part, without the authority of law and includes a person whose tenancy, lease or licence has expired or has been terminated by mutawalli or the Board;”;

(ii) for clause (g), the following clause shall be substituted, namely:—

“(g) “list of auqaf” means the list of auqaf published under sub-section (2) of section 5 or contained in the register of auqaf maintained under section 37;”;

(iii) in clause (i), after the proviso, the following provisos shall be inserted, namely:—

“Provided further that the mutawalli shall be a citizen of India and shall fulfil such other qualifications as may be prescribed:

Provided also that in case a waqf has specified any qualifications, such qualifications may be provided in the rules as may be made by the State Government;”;

(iv) in clause (k), in sub-clause (i), for the words “worship” and “khangah”, the words “offer prayer” and “khanqah, peerkhana and karbala” shall, respectively, be substituted;

(v) for clause (r), the following clause shall be substituted, namely:—

“(r) “waqf” means the permanent dedication by any person, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable and includes—

(i) a waqf by user but such waqf shall not cease to be a waqf by reason only of the user having ceased irrespective of the period of such cesser;

(ii) a Shamlat Patti, Shamlat Deh, Jumla Malkkan or by any other name entered in a revenue record;

(iii) “grants”, including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and

(iv) a waqf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable, provided when the line of succession fails, the income of the waqf shall be spent for education, development, welfare and such other purposes as recognised by Muslim law,

and “waqif” means any person making such dedication;”.

Amendment of section 4.

6. In section 4 of the principal Act,—

(a) in sub-section (1), for the words “wakfs existing in the State at the date of the commencement of this Act”, the words “auqaf in the State” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every State Government shall maintain a list of auqaf referred to in sub-section (1) and the survey of auqaf shall be completed within a period of one year from the date of commencement of the Wakf (Amendment) Act, 2013, in case such survey was not done before the commencement of the Wakf (Amendment) Act, 2013:

Provided that where no Survey Commissioner of Waqf has been appointed, a Survey Commissioner for auqaf shall be appointed within three months from the date of such commencement.”;

(c) in sub-section (6),—

(i) in the proviso, for the words “twenty years”, the words “ten years” shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the waqf properties already notified shall not be reviewed again in subsequent survey except where the status of such property has been changed in accordance with the provisions of any law.”.

7. In section 5 of the principal Act,—

Amendment
of section 5.

(a) in sub-section (2), for the words “publish in the Official Gazette”, the words “forward it back to the Government within a period of six months for publication in the Official Gazette” shall be substituted;

(b) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The revenue authorities shall—

(i) include the list of auqaf referred to in sub-section (2), while updating the land records; and

(ii) take into consideration the list of auqaf referred to in sub-section (2), while deciding mutation in the land records.

(4) The State Government shall maintain a record of the lists published under sub-section (2) from time to time.”.

8. In section 6 of the principal Act, in sub-section (1),—

Amendment
of section 6.

(a) for the words “any person interested therein”, the words “any person aggrieved” shall be substituted;

(b) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that no suit shall be instituted before the Tribunal in respect of such properties notified in a second or subsequent survey pursuant to the provisions contained in sub-section (6) of section 4.”;

(c) the *Explanation* shall be omitted.

9. In section 7 of the principal Act,—

Amendment
of section 7.

(a) in sub-section (1),—

(i) for the words “any question”, the words “any question or dispute” shall be substituted;

(ii) for the words “or any person interested”, the words and figure “or any person aggrieved by the publication of the list of auqaf under section 5” shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) The Tribunal shall have the powers of assessment of damages by unauthorised occupation of waqf property and to penalise such unauthorised occupants for their illegal occupation of the waqf property and to recover the damages as arrears of land revenue through the Collector:

Provided that whosoever, being a public servant, fails in his lawful duty to prevent or remove an encroachment, shall on conviction be punishable with fine which may extend to fifteen thousand rupees for each such offence.”.

Substitution of
new section
for section 8.

10. For section 8 of the principal Act, the following section shall be substituted, namely:—

State
Government
to bear cost of
survey.

“8. The total cost of making a survey including the cost of publication of the list or lists of auqaf under this Chapter shall be borne by the State Government.”.

Amendment
of section 9.

11. In section 9 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) The Central Government may, by notification in the Official Gazette, establish a Council to be called the Central Waqf Council, for the purpose of advising the Central Government, the State Governments and the Boards on matters concerning the working of Boards and the due administration of auqaf.

(1A) The Council referred to in sub-section (1) shall issue directives to the Boards, on such issues and in such manner, as provided under sub-sections (4) and (5).”;.

(b) in sub-section (2), in clause (b),—

(i) for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) four persons of national eminence, one each from the fields of administration or management, financial management, engineering or architecture and medicine;”.

(ii) after sub-clause (viii), the following proviso shall be inserted, namely:—

“Provided that at least two of the members appointed under sub-clauses (i) to (viii) shall be women.”;

(c) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The State Government or, as the case may be, the Board, shall furnish information to the Council on the performance of Waqf Boards in the State, particularly on their financial performance, survey, maintenance of waqf deeds, revenue records, encroachment of waqf properties, annual reports and audit reports in the manner and time as may be specified by the Council and it may *suo motu* call for information on specific issues from the Board, if it is satisfied that there was *prima facie* evidence of irregularity or violation of the provisions of this Act and if the Council is satisfied that such irregularity or violation of the Act is established, it may issue such directive, as considered appropriate, which shall be complied with by the concerned Board under intimation to the concerned State Government.

(5) Any dispute arising out of a directive issued by the Council under sub-section (4) shall be referred to a Board of Adjudication to be constituted by the Central Government, to be presided over by a retired Judge of the Supreme Court or a retired Chief Justice of a High Court and the fees and travelling and other allowances payable to the Presiding Officer shall be such as may be specified by that Government.”

12. In section 13 of the principal Act,—

Amendment
of section 13.

(a) after sub-section (1), the following proviso shall be inserted, namely:—

“Provided that in case where a Board of Waqf has not been established, as required under this sub-section, a Board of Waqf shall, without prejudice to the provisions of this Act or any other law for the time being in force, be established within six months from the date of commencement of the Wakf (Amendment) Act, 2013.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Where a Board of Waqf is established under sub-section (2) of section 13, in the case of Shia waqf, the Members shall belong to the Shia Muslim and in the case of Sunni waqf, the Members shall belong to the Sunni Muslim.”

13. In section 14 of the principal Act,—

Amendment
of section 14.

(1) in sub-section (1),—

(i) for the words “the Union territory of Delhi”, wherever they occur, the words “the National Capital Territory of Delhi” shall be substituted;

(ii) in clause (b),—

(a) for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) Muslim members of the Bar Council of the concerned State or Union territory:

Provided that in case there is no Muslim member of the Bar Council of a State or a Union territory, the State Government or the Union territory administration, as the case may be, may nominate any senior Muslim advocate from that State or the Union territory, and”;

(b) after sub-clause (iv), the following *Explanations* shall be inserted, namely:—

“*Explanation I.*—For the removal of doubts, it is hereby declared that the members from categories mentioned in sub-clauses (i) to (iv), shall be elected from the electoral college constituted for each category.

Explanation II.—For the removal of doubts it is hereby declared that in case a Muslim member ceases to be a Member of Parliament from the State or National Capital Territory of Delhi as referred to in sub-clause (i) of clause (b) or ceases to be a Member of the State Legislative Assembly as required under sub-clause (ii) of clause (b), such member shall be deemed to have vacated the office of the member of the Board for the State or National Capital Territory of Delhi, as the case may be, from the date from which such member ceased to be a Member of Parliament from the State

or National Capital Territory of Delhi, or a Member of the State Legislative Assembly, as the case may be;”;

(iii) for clauses (c) to (e), the following clauses shall be substituted, namely:—

“(c) one person from amongst Muslims, who has professional experience in town planning or business management, social work, finance or revenue, agriculture and development activities, to be nominated by the State Government;

(d) one person each from amongst Muslims, to be nominated by the State Government from recognised scholars in Shia and Sunni Islamic Theology;

(e) one person from amongst Muslims, to be nominated by the State Government from amongst the officers of the State Government not below the rank of Joint Secretary to the State Government;”;

(II) after sub-section (I), the following sub-section shall be inserted, namely:—

“(IA) No Minister of the Central Government or, as the case may be, a State Government, shall be elected or nominated as a member of the Board:

Provided that in case of a Union territory, the Board shall consist of not less than five and not more than seven members to be appointed by the Central Government from categories specified under sub-clauses (i) to (iv) of clause (b) or clauses (c) to (e) in sub-section (I):

Provided further that at least two Members appointed on the Board shall be women:

Provided also that in every case where the system of mutawalli exists, there shall be one mutawalli as the member of the Board.”;

(III) sub-section (5) shall be omitted.

(IV) sub-section (7) shall be omitted.

Amendment
of section 15.

14. In section 15 of the principal Act, the words, brackets and figures “from the date of notification referred to in sub-section (9) of section 14” shall be inserted at the end.

Amendment
of section 16.

15. In section 16 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

“(da) he has been held guilty of encroachment on any waqf property;”.

Insertion of
new section
20A.

16. After section 20 of the principal Act, the following section shall be inserted, namely:—

Removal of
Chairperson
by vote of no
confidence.

“20A. Without prejudice to the provisions of section 20, the Chairperson of a Board may be removed by vote of no confidence in the following manner, namely:—

(a) no resolution expressing a vote of confidence or no confidence in any person elected as Chairperson of a Board shall be moved except in the manner prescribed and twelve months have not elapsed after the date of his election as a Chairperson and be removed except with the prior permission of the State Government;

(b) notice for no confidence shall be addressed to the State Government stating clearly the grounds on which such motion is proposed to be moved and shall be signed by at least half the total members of the Board;

(c) at least three members of the Board signing the notice of no confidence shall personally present to the State Government, the notice together with an affidavit signed by them to the effect that the signatures on no confidence motion are genuine and have been made by the signatories after hearing or reading the contents of the notice;

(d) on receipt of the notice of no confidence, as provided hereinabove, the State Government shall fix such time, date and place as may be considered suitable for holding a meeting for the purpose of the proposed no confidence motion;

Provided that at least fifteen days notice shall be given for such a meeting;

(e) notice for meeting under clause (d) shall also provide that in the event of no confidence motion being duly carried on or, election of the new Chairperson, as the case may be, shall also be held in the same meeting;

(f) the State Government shall also nominate a Gazetted Officer (other than an officer of the department which is concerned with the supervision and administration of the Board) to act as presiding officer of the meeting in which the resolution for no confidence shall be considered;

(g) the quorum for such a meeting of the Board shall be one-half of the total number of members of the Board;

(h) the resolution for no confidence shall be deemed to be carried out, if passed by a simple majority of the members present;

(i) if a resolution for no confidence is carried out, the Chairperson shall cease to hold office forthwith and shall be succeeded by his successor who shall be elected by another resolution in the same meeting;

(j) election of the new Chairperson shall be conducted under clause (i), in the meeting under the chairmanship of the said presiding officer referred to in clause (f), in the following manner, namely:—

(A) Chairperson shall be elected from amongst the elected members of the Board;

(B) nomination of candidates shall be proposed and seconded in the meeting itself and election after withdrawal, if any, shall be held by method of secret ballot;

(C) election shall be held by simple majority of the members present in the meeting and in case of equality of votes, the matter shall be decided by drawing of lots; and

(D) proceedings of the meeting shall be signed by the presiding officer;

(k) new Chairperson elected under clause (h) shall hold the office only up to the remainder of the term of the Chairperson removed by the resolution of no confidence; and

(l) if the motion for passing the resolution of no confidence fails for want of quorum or lack of requisite majority at the meeting, no subsequent meeting for considering the motion of no confidence shall be held within six months of the date of the previous meeting.”

Amendment
of section 23.

17. In section 23 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—

“(I) There shall be a full-time Chief Executive Officer of the Board who shall be a Muslim and shall be appointed by the State Government, by notification in the Official Gazette, from a panel of two names suggested by the Board and who shall not be below the rank of Deputy Secretary to the State Government, and in case of non-availability of a Muslim officer of that rank, a Muslim officer of equivalent rank may be appointed on deputation.”

Substitution of
new section
for section 27.

18. For section 27 of the principal Act, the following section shall be substituted, namely:—

Delegation of
powers by
Board.

“27. The Board may, by a general or special order in writing, delegate to the Chairperson, any other member, the Chief Executive Officer or any other officer or servant of the Board or any area committee, subject to such conditions and limitations as may be specified in the said order, such of its powers and duties under this Act, as it may deem necessary, except the powers and functions of the Board mentioned under clauses (c), (d), (g) and (j) of sub-section (2) of section 32 and section 110.”

Substitution of
new section
for section 28.

19. For section 28 of the principal Act, the following section shall be substituted, namely:—

Power of
District
Magistrate,
Additional
District
Magistrate or
Sub-Divisional
Magistrate to
implement the
directions of
the Board.

“28. Subject to the provisions of this Act and the rules made thereunder, the District Magistrate or in his absence an Additional District Magistrate or Sub-Divisional Magistrate of a District in the State shall be responsible for implementation of the decisions of the Board which may be conveyed through the Chief Executive Officer and the Board may, wherever considers necessary, seek directions from the Tribunal for the implementation of its decisions.”

Amendment
of section 29.

20. Section 29 of the principal Act shall be numbered as sub-section (I) thereof, and—

(a) in sub-section (I) as so numbered, for the words “subject to such conditions and restrictions as may be prescribed and subject to the payment of such fees as may be leviable under any law for the time being in force”, the words “subject to such conditions as may be prescribed” shall be substituted;

(b) after sub-section (I) as so numbered, the following sub-sections shall be inserted, namely:—

“(2) The mutawalli or any other person having the custody of any document related to waqf properties shall produce the same, within the prescribed period, before the Chief Executive Officer on being called upon to do so in writing.

(3) Subject to such conditions as may be prescribed, an agency of the Government or any other organisation shall supply, within ten working days, copies of the records, registers of properties or other documents relating to waqf properties or claimed to be waqf properties, to the Chief Executive Officer on a written request to this effect from him:

Provided that before taking any course of action as mentioned in sub-sections (2) and (3), the Chief Executive Officer shall obtain approval of the Board.”

21. In section 31 of the principal Act, the following shall be inserted at the end, namely:—

Amendment
of section 31.

“or a Member of Union territory Legislature or a Member of a State Legislature if so declared under a law made by the appropriate State Legislature”.

22. In section 32 of the principal Act,—

Amendment
of section 32.

(I) in sub-section (2),—

(a) for clause (j), the following clause, shall be substituted, namely:—

“(j) to sanction lease of any immovable property of a waqf in accordance with the provisions of this Act and the rules made thereunder:

Provided that no such sanction shall be given unless a majority of not less than two-thirds of the members of the Board present cast their vote in favour of such transaction:

Provided further that where no such sanction is given by the Board, the reasons for doing so shall be recorded in writing.”;

(b) after clause (n), the following clause shall be inserted, namely:—

“(na) to determine or cause to be determined, in such manner as may be specified by the Board, market rent of the waqf land or building;”;

(II) in sub-section (4), for the words “offers a feasible potential for development as a shopping centre”, the words “has the potential for development as an educational institution, shopping centre, market, housing or residential flats and the like” shall be substituted;

(III) in sub-section (5), the words “with the prior approval of the Government,” shall be omitted.

23. In section 33 of the principal Act, in sub-section (I),—

Amendment
of section 33.

(a) after the words “the Chief Executive Officer”, the words “or any other person authorised by him in writing” shall be inserted;

(b) the words “either himself or any other person authorised by him in writing in this behalf” shall be omitted.

24. In section 36 of the principal Act, in sub-section (2), in the proviso, for the words “made by the wakf”, the words “made by the waqf” shall be substituted.

Amendment
of section 36.

25. Section 37 of the principal Act shall be numbered as sub-section (I) thereof, and after sub-section (I) as so numbered, the following sub-sections shall be inserted, namely:—

Amendment
of section 37.

“(2) The Board shall forward the details of the properties entered in the register of auqaf to the concerned land record office having jurisdiction of the waqf property.

(3) On receipt of the details as mentioned in sub-section (2), the land record office shall, according to established procedure, either make necessary entries in the land record or communicate, within a period of six months from the date of registration of waqf property under section 36, its objections to the Board.”.

26. In section 44 of the principal Act,—

Amendment
of section 44.

(a) in sub-section (2), for the words “ninety days”, the words “thirty days” shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) In case the Board considers any item in the budget being contrary to the objects of the waqf and the provisions of this Act, it may give such direction for addition or deletion of such item as it may deem fit.”.

Amendment
of section 46.

27. In section 46 of the principal Act, in sub-section (2), for the figure, letters and words “1st day of May”, at both the places where they occur, the figure, letters and words “1st day of July” shall be substituted.

Amendment
of section 47.

28. In section 47 of the principal Act,—

(I) in sub-section (1),—

(i) in clause (a), for the words “ten thousand rupees”, the words “fifty thousand rupees” shall be substituted;

(ii) in clause (b), for the words “ten thousand rupees”, the words “fifty thousand rupees” shall be substituted;

(iii) in clause (c), after the words “the State Government may,”, the words “under intimation to the Board,” shall be inserted;

(II) in sub-section (3), in the first proviso, for the words “more than ten thousand rupees but less than fifteen thousand rupees”, the words “more than fifty thousand rupees” shall be substituted.

Amendment
of section 51.

29. In section 51 of the principal Act,—

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) Notwithstanding anything contained in the waqf deed, any lease of any immovable property which is waqf property, shall be void unless such lease is effected with the prior sanction of the Board:

Provided that no mosque, dargah, khanqah, graveyard, or imambara shall be leased except any unused graveyards in the States of Punjab, Haryana and Himachal Pradesh where such graveyard has been leased out before the date of commencement of the Wakf (Amendment) Act, 2013.

(1A) Any sale, gift, exchange, mortgage or transfer of waqf property shall be void *ab initio*:

Provided that in case the Board is satisfied that any waqf property may be developed for the purposes of the Act, it may, after recording reasons in writing, take up the development of such property through such agency and in such manner as the Board may determine and move a resolution containing recommendation of development of such waqf property, which shall be passed by a majority of two-thirds of the total membership of the Board:

Provided further that nothing contained in this sub-section shall affect any acquisition of waqf properties for a public purpose under the Land Acquisition Act, 1894 or any other law relating to acquisition of land if such acquisition is made in consultation with the Board: 1. of 1894.

Provided also that—

(a) the acquisition shall not be in contravention of the Places of Public Worship (Special Provisions) Act, 1991;

42 of 1951.

(b) the purpose for which the land is being acquired shall be undisputedly for a public purpose;

(c) no alternative land is available which shall be considered as more or less suitable for that purpose; and

(d) to safeguard adequately the interest and objective of the waqf, the compensation shall be at the prevailing market value or a suitable land with reasonable solatium in lieu of the acquired property.”;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted.

30. In section 52 of the principal Act, in sub-section (1), after the words and figures “provisions of section 51”, the words and figures “or section 56” shall be inserted.

Amendment of section 52.

31. After section 52 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 52A.

“52A. (1) Whoever alienates or purchases or takes possession of, in any manner whatsoever, either permanently or temporarily, any movable or immovable property being a waqf property, without prior sanction of the Board, shall be punishable with rigorous imprisonment for a term which may extend to two years:

Penalty for alienation of waqf property without sanction of Board.

Provided that the waqf property so alienated shall without prejudice to the provisions of any law for the time being in force, be vested in the Board without any compensation therefor.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 any offence punishable under this section shall be cognizable and non-bailable.

(3) No court shall take cognizance of any offence under this section except on a complaint made by the Board or any officer duly authorised by the State Government in this behalf.

(4) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this section.”.

32. In section 54 of the principal Act,—

Amendment of section 54.

(a) in sub-section (3), for the words “he may, by an order, require the encroacher to remove”, the words “he may, make an application to the Tribunal for grant of order of eviction for removing” shall be substituted;

(b) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) The Tribunal, upon receipt of such application from the Chief Executive Officer, for reasons to be recorded therein, make an order of eviction directing that the waqf property shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the waqf property:

Provided that the Tribunal may before making an order of eviction, give an opportunity of being heard to the person against whom the application for eviction has been made by the Chief Executive Officer.

(5) If any person refuses or fails to comply with the order of eviction within forty-five days from the date of affixture of the order under sub-section (2), the Chief Executive Officer or any other person duly authorised by him in this behalf may evict that person from, and take possession of, the waqf property.”.

Amendment
of section 55.

33. In section 55 of the principal Act,—

(a) for the word, brackets and figure “sub-section (3)”, the word, brackets and figure “sub-section (4)” shall be substituted;

(b) for the words “apply to the Sub-Divisional Magistrate”, the words “refer the order of the Tribunal to the Executive Magistrate” shall be substituted.

Insertion of
new section
55A.

34. After section 55 of the principal Act, the following section shall be inserted, namely:—

Disposal of
property left
on waqf
property by
unauthorised
occupants.

“55A. (1) Where any person has been evicted from any waqf property under sub-section (4) of section 54, the Chief Executive Officer may, after giving fourteen days’ notice to the person from whom possession of the waqf property has been taken and after publishing the notice in at least one newspaper having circulation in the locality and after proclaiming the contents of the notice by placing it on conspicuous part of the waqf property, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale proceeds shall, after deducting the expenses relating to removal, sale and such other expenses, the amount, if any, due to the State Government or a local authority or a corporate authority on account of arrears of rent, damages or costs, be paid to such person, as may appear to the Chief Executive Officer to be entitled to the same:

Provided that where the Chief Executive Officer is unable to decide as to the person to whom the balance of the amount is payable or as to the appointment of the same, he may refer such dispute to the Tribunal and the decision of the Tribunal thereon shall be final.”

Amendment
of section 56.

35. In section 56 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “A lease or sub-lease for any period exceeding three years”, the words “A lease for any period exceeding thirty years” shall be substituted;

(ii) the following provisos shall be inserted at the end, namely:—

“Provided that a lease for any period up to thirty years may be made for commercial activities, education or health purposes, with the approval of the State Government, for such period and purposes as may be specified in the rules made by the Central Government:

Provided further that lease of any immovable waqf property, which is an agricultural land, for a period exceeding three years shall, notwithstanding anything contained in the deed or instrument of waqf or in any other law for the time being in force, be void and of no effect:

Provided also that before making lease of any waqf property, the Board shall publish the details of lease and invite bids in at least one leading national and regional news papers.”;

(b) in sub-section (2), for the words “A lease or sub-lease for any period exceeding one year and not exceeding three years”, the words “A lease for a period of one year but not exceeding thirty years” shall be substituted;

(c) in sub-section (3),—

(i) the words “or sub-lease”, at both the places where they occur, shall be omitted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that the Board shall immediately intimate the State Government regarding a lease for any period exceeding three years of any waqf property and thereafter it may become effective after the expiry of forty-five days from the date on which the Board intimates the State Government.”;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

36. In section 61 of the principal Act, in sub-section (1), for the words “eight thousand rupees”, the words, brackets and letters “ten thousand rupees for non-compliance of clauses (a) to (d) and in case of non-compliance of clauses (e) to (h), he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to ten thousand rupees” shall be substituted.

Amendment
of section 61.

37. In section 65 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment
of section 65.

“(5) Notwithstanding anything contained in sub-section (1), the Board shall take over the administration of a waqf, if the waqf Board has evidence before it to prove that management of the waqf has contravened the provisions of this Act.”.

38. In section 68 of the principal Act,—

Amendment
of section 68.

(i) in sub-section (2), for the words “Magistrate of the first class” and “Magistrate”, the words “District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate or their equivalent” shall be substituted;

(ii) in sub-sections (3), (4), (5) and sub-section (6), for the words “the Magistrate” the words “any Magistrate” shall be substituted.

39. In section 69 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment
of section 69.

“(1) Where the Board is satisfied after an enquiry, whether on its own motion or on the application of not less than five persons interested in any waqf, to frame a scheme for the proper administration of the waqf, it may, by an order, frame such scheme for the administration of the waqf, after giving reasonable opportunity and after consultation with the mutawalli or others in the prescribed manner.”.

40. In section 71 of the principal Act, in sub-section (1), for the figures “73”, the figures “70” shall be substituted.

Amendment
of section 71.

41. In section 72 of the principal Act, in sub-section (1), in *Explanation I*, in clause (iii),—

Amendment
of section 72.

(i) after the words “following purposes”, the words “in respect of lands directly under cultivation by the mutawalli for the benefit of the waqf” shall be inserted;

(ii) in sub-clause (f), in the proviso, for the words "ten per cent.", the words "twenty per cent." shall be substituted;

(iii) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that no such deduction shall be permitted in respect of waqf land given on lease, by whatever name called, whether *batai* or share cropping or any other name."

Amendment
of section 77.

42. In section 77 of the principal Act, in sub-section (4), after clause (f), the following clause shall be inserted, namely:—

"(g) payment of maintenance to Muslim women as ordered by a court of competent jurisdiction under the provisions of the Muslim Women (Protection of Rights on Divorce) Act, 1986."

25 of 1986.

Amendment
of section 81.

43. In section 81 of the principal Act, after the words "as it thinks fit", the following shall be inserted at the end, namely:—

"and a copy of the said auditor's report, along with orders shall be forwarded by the State Government to the Council within a period of thirty days of laying of such report before each House of the State Legislature where it consists of two Houses or where such Legislatures consist of one House, before that House."

Amendment
of section 83.

44. In section 83 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Government shall, by notification in the Official Gazette, constitute as many Tribunals as it may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf property, eviction of a tenant or determination of rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals;"

(b) for sub-section (4), the following sub-sections shall be substituted, namely:—

"(4) Every Tribunal shall consist of—

(a) one person, who shall be a member of the State Judicial Service holding a rank, not below that of a District, Sessions or Civil Judge, Class I, who shall be the Chairman;

(b) one person, who shall be an officer from the State Civil Services equivalent in rank to that of the Additional District Magistrate, Member;

(c) one person having knowledge of Muslim law and jurisprudence, Member;

and the appointment of every such person shall be made either by name or by designation.

(4A) The terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as *ex officio* members shall be such as may be prescribed."

Amendment
of section 85.

45. In section 85 of the principal Act, for the words "civil court", the words "civil court, revenue court and any other authority" shall be substituted.

46. In section 86 of the principal Act, in clause (b), after the words "a previous mutawalli", the words "or by any other person" shall be inserted. Amendment of section 86.
47. Section 87 of the principal Act shall be omitted. Omission of section 87.
48. In section 90 of the principal Act, in sub-section (3), for the words "one month", the words "six months" shall be substituted. Amendment of section 90.
49. In section 91 of the principal Act, in sub-section (1), for the words "it appears to the collector before an award is made that any property", the words "and before an award is made, in case the property" shall be substituted. Amendment of section 91.
50. In section 97 of the principal Act, the following proviso shall be inserted at the end, namely:—
"Provided that the State Government shall not issue any direction being contrary to any waqf deed or any usage; practice or custom of the waqf." Amendment of section 97.
51. In section 99 of the principal Act,—
(a) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—
"Provided further that the power of the State Government under this section shall not be exercised unless there is a *prima facie* evidence of financial irregularity, misconduct or violation of the provisions of this Act."; Amendment of section 99.
(b) in sub-section (3), for clause (a), the following clause shall be substituted, namely:—
"(a) extend the period of supersession by another six months with reasons to be recorded in writing and, the period of continuous supersession shall not exceed more than a year; or".
52. In section 102 of the principal Act, in sub-section (2), for the words "after consulting the State Governments", the words "after consulting the Council and the State Governments" shall be substituted. Amendment of section 102.
53. After section 104 of the principal Act, the following section shall be inserted, namely:—
"104A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force or any waqf deed, no person shall sell, gift, exchange, mortgage or transfer any movable or immovable property which is a waqf property to any other person. Prohibition of sale, gift, exchange, mortgage or transfer of waqf property.
(2) Any sale, gift, exchange, mortgage or transfer of property referred to in sub-section (1) shall be void *ab initio*."
54. After section 104A of the principal Act, the following section shall be inserted, namely:—
"104B. (1) If any waqf property has been occupied by the Government agencies it shall be returned to the Board or the mutawalli within a period of six months from the date of the order of the Tribunal. Restoration of waqf properties in occupation of Government agencies to waqf Board.

(2) The Government agency may, if the property is required for a public purpose, make an application for determination of the rent, or as the case may be, the compensation, by the Tribunal at the prevailing market value.”

Amendment
of section
106.

55. In section 106 of the principal Act, in sub-section (1), for the words “after consultation with the Government”, the words “after consultation with the Council and the Government” shall be substituted.

Insertion of
new section
108A.

56. After section 108 of the principal Act, the following section shall be inserted, namely:—

Act to have
overriding
effect.

“108A. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

Amendment
of section
109.

57. In section 109 of the principal Act, in sub-section (2),—

(a) for clause (i), the following clauses shall be substituted, namely:—

“(i) the qualifications required to be fulfilled by a person to be appointed as a mutawalli under clause (i) of section 3;

(ia) other particulars which the report of the Survey Commissioner may contain under clause (f) of sub-section (3) of section 4;”;

(b) in clause (vi), for the word “under”, the words, brackets and figure “under sub-section (1) of ” shall be substituted;

(c) after clause (vi), the following clauses shall be inserted, namely:—

“(via) the period within which the mutawalli or any other person may produce documents related to waqf properties under sub-section (2) of section 31;

(vib) the conditions under which an agency of the Government or any other organisation may supply copies of records, registers and other documents under sub-section (3) of section 31;”;

(d) clause (xi) shall be omitted;

(e) after clause (xxii), the following clause shall be inserted, namely:—

“(xxiia) the terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as *ex officio* members under sub-section (4A) of section 83;”.

Sd/-

P. K. MALHOTRA,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGRAVAL,

Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/41-2014/Act-28-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 23rd September, 2013, Asvina 1, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 20th September, 2013, is hereby published for general information :-

THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT ACT, 2013

No. 28 OF 2013

[20th September, 2013.]

An Act further to amend the Parliament (Prevention of Disqualification) Act, 1959.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliament (Prevention of Disqualification) Amendment Act, 2013.

Short title and
commencement

(2) It shall be deemed to have come into force on the 19th day of February, 2004.

10 of 1995

2. In section 3 of the Parliament (Prevention of Disqualification) Act, 1959, in clause (ba), for sub-clause (ii), the following sub-clauses shall be substituted, Amendment of section-3
namely:—

"(ii) the National Commission for the Scheduled Castes constituted under clause (1) of article 338 of the Constitution;

"(iia) the National Commission for the Scheduled Tribes constituted under clause (1) of article 338A of the Constitution;"

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGRAVAL,
Principal Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/41-2014/Act-29-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
Legislative Department

New Delhi, the 23rd September, 2013, Asvina 1, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 20th September, 2013 is hereby published for general information :-

THE REPRESENTATION OF THE PEOPLE (AMENDMENT AND VALIDATION) ACT, 2013

No. 29 OF 2013

[20th September, 2013.]

An Act further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows :-

1.(1) This Act may be called the Representation of the People (Amendment and Validation) Act, 2013.

Short title and commencement.

(2) It shall be deemed to have come into force on the 10th day of July, 2013.

43 of 1951.

2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in section 7, in clause (b), after the words "or Legislative Council of a State", the words "under the provisions of this Chapter, and on no other ground" shall be inserted.

Amendment of Section 7.

3. In section 62 of the principal Act, after the proviso to sub-section (5), the following proviso shall be inserted, namely :-

Amendment of section-62

"Provided further that by reason of the prohibition to vote under this sub-section, a person whose name has been entered in the electoral roll shall not cease to be an elector."

Validation.

4. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, the provisions of the Representation of the People Act, 1951, as amended by this Act, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act had been in force at all material times.

43 of 1951.

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARVAL,
Principal Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 14th May, 2014.

No. RPB/45-2014/Act-30-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 27th September, 2013, Asvina 5, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 26th September, 2013, is hereby published for general information :-

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

No. 30 OF 2013

[20th September, 2013.]

An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and formatters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the Central Government shall appoint such date within three months from the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 receives the assent of the President.

Application of
Act.

2. (1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:—

(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or

(b) for infrastructure projects, which includes the following, namely:—

(i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;

(ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute;

(iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;

(iv) project for water harvesting and water conservation structures, sanitation;

(v) project for Government administered, Government-aided educational and research schemes or institutions;

(vi) project for sports, health care, tourism, transportation or space programme;

(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;

(c) project for project affected families;

(d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.

(2) The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—

(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);

(b) for private companies for public purpose, as defined in sub-section (1):

Provided that in the case of acquisition for—

(i) private companies, the prior consent of at least eighty per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and

(ii) public private partnership projects, the prior consent of at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3,

shall be obtained through a process as may be prescribed by the appropriate Government:

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.

(3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,—

(a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government, through private negotiations with the owner of the land in accordance with the provisions of section 46;

(b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:

Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole.

3. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Administrator" means an officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section (1) of section 43;

(b) "affected area" means such area as may be notified by the appropriate Government for the purposes of land acquisition;

(c) "affected family" includes—

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land;

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;

(d) "agricultural land" means land used for the purpose of—

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs;

(iii) raising of crops, trees, grass or garden produce; and

(iv) land used for the grazing of cattle;

(e) "appropriate Government" means,—

(i) in relation to acquisition of land situated within the territory of, a State, the State Government;

(ii) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government;

(iii) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union territory of Puducherry;

(iv) in relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; and

(v) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government;

Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government;

(f) "Authority" means the Land Acquisition and Rehabilitation and Resettlement Authority established under section 51;

(g) "Collector" means the Collector of a revenue district, and includes a Deputy Commissioner and any officer specially designated by the appropriate Government to perform the functions of a Collector under this Act;

(h) "Commissioner" means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44;

(i) "cost of acquisition" includes—

(i) amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;

(ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;

(iii) cost of acquisition of land and building for settlement of displaced or adversely affected families;

(iv) cost of development of infrastructure and amenities at the resettlement areas;

(v) cost of rehabilitation and resettlement as determined in accordance with the provisions of this Act;

(vi) administrative cost,—

(A) for acquisition of land, including both in the project site and out of project area lands, not exceeding such percentage of the cost of compensation as may be specified by the appropriate Government;

(B) for rehabilitation and resettlement of the owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;

(vii) cost of undertaking 'Social Impact Assessment study';

(j) "company" means—

1 of 1956.

(i) a company as defined in section 3 of the Companies Act, 1956, other than a Government company;

21 of 1860.

(ii) a society registered under the Societies Registration Act, 1860 or under any corresponding law for the time being in force in a State;

(k) "displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;

(l) "entitled to act", in relation to a person, shall be deemed to include the following persons, namely:—

(i) trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability;

(ii) the guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted;

5 of 1908.

Provided that the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceedings under this Act;

(m) "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him;

Provided that widows, divorcees and women deserted by families shall be considered separate families;

Explanation.—An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act.

(n) "holding of land" means the total land held by a person as an owner, occupant or tenant or otherwise;

(o) "infrastructure project" shall include any one or more of the items specified in clause (b) of sub-section (1) of section 2;

(p) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(q) "landless" means such persons or class of persons who may be,—

(i) considered or specified as such under any State law for the time being in force; or

(ii) in a case of landless not being specified under sub-clause (i), as may be specified by the appropriate Government;

(r) "land owner" includes any person,—

(i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or

(ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, 2 of 2007 or under any other law for the time being in force; or

(iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or

(iv) any person who has been declared as such by an order of the court or Authority;

(s) "local authority" includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P, of the Constitution;

(t) "marginal farmer" means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;

(u) "market value" means the value of land determined in accordance with section 26;

(v) "notification" means a notification published in the Gazette of India or, as the case may be, the Gazette of a State and the expression "notify" shall be construed accordingly;

(w) "patta" shall have the same meaning as assigned to it in the relevant Central or State Acts or rules or regulations made thereunder;

(x) "person interested" means—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

2 of 2007.

(iii) a person interested in an easement affecting the land;

(iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and

(v) any person whose primary source of livelihood is likely to be adversely affected;

(y) "prescribed" means prescribed by rules made under this Act;

(z) "project" means a project for which land is being acquired, irrespective of the number of persons affected;

(za) "public purpose" means the activities specified under sub-section (1) of section 2;

(zb) "Requiring Body" means a company, a body corporate, an institution, or any other organisation or person for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land is for public purpose to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land;

(zc) "Resettlement Area" means an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government;

40 of 1996.

(zd) "Scheduled Areas" means the Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996;

(ze) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

CHAPTER II

DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

A.—PRELIMINARY INVESTIGATION FOR DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

4. (1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.

Preparation of
Social Impact
Assessment
study.

(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study:

Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.

(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.

(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—

- (a) assessment as to whether the proposed acquisition serves public purpose;
- (b) estimation of affected families and the number of families among them likely to be displaced;
- (c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;
- (d) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;
- (e) whether land acquisition at an alternate place has been considered and found not feasible;
- (f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project *vis-a-vis* the benefits of the project:

Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport,

drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

(6) The appropriate Government shall require the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area.

Public hearing
for Social
Impact
Assessment.

5. Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.

Publication of
Social Impact
Assessment
study.

6. (1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorised by the Central Government to carry out environmental impact assessment:

Provided that, in respect of irrigation projects where the process of Environment Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply.

B.—APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

Appraisal of
Social Impact
Assessment
report by an
Expert Group.

7. (1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.

(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

- (a) two non-official social scientists;
- (b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;
- (c) two experts on rehabilitation; and
- (d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

- (a) the project does not serve any public purpose; or
- (b) the social costs and adverse social impacts of the project outweigh the potential benefits,

it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision:

Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.

(5) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project will serve any public purpose; and

(b) the potential benefits outweigh the social costs and adverse social impacts,

it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.

(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.

8. (1) The appropriate Government shall ensure that—

(a) there is a legitimate and *bonafide* public purpose for the proposed acquisition which necessitates the acquisition of the land identified;

(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out;

(c) only the minimum area of land required for the project is proposed to be acquired;

(d) there is no unutilised land which has been previously acquired in the area;

(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.

(2) The appropriate Government shall examine the report of the Collector, if any, and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected;

(3) The decision of the appropriate Government shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

Provided that where land is sought to be acquired for the purposes as specified in sub-section (2) of section 2, the appropriate Government shall also ascertain as to whether the prior consent of the affected families as required under the proviso to sub-section (2) of section 2, has been obtained in the manner as may be prescribed.

9. Where land is proposed to be acquired invoking the urgency provisions under section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment study.

Examination
of proposals
for land
acquisition and
Social Impact
Assessment
report by
appropriate
Government.

Exemption
from Social
Impact
Assessment.

CHAPTER III

SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY

Special
provision to
safeguard food
security.

10. (1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act.

(2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in sub-section (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.

(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.

(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:

Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.

CHAPTER IV

NOTIFICATION AND ACQUISITION

Publication of
preliminary
notification
and power of
officers
thereupon.

11. (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.

(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement under section 43.

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this Chapter are completed:

Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(5) After issuance of notice under sub-section (1), the Collector shall, before the issue of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within a period of two months.

12. For the purposes of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

Preliminary survey of land and power of officers to carry out survey.

(a) to enter upon and survey and take levels of any land in such locality;

(b) to dig or bore into the sub-soil;

(c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;

(d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and

(e) to mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle;

Provided that no act under clauses (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner:

Provided further that the acts specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey:

Provided also that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

13. The officer so authorised under section 12 shall at the time of entry under section 12 pay or tender payment for any damage caused, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

Payment for damage.

14. Where a preliminary notification under section 11 is not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group under section 7, then, such report shall be deemed to have lapsed and a fresh Social Impact Assessment shall be required to be undertaken prior to acquisition proceedings under section 11:

Lapse of Social Impact Assessment report.

Provided that the appropriate Government, shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

15. (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—

Hearing of objections.

(a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.

Preparation of
Rehabilitation
and Resettle-
ment Scheme
by the
Administrator.

16. (1) Upon the publication of the preliminary notification under sub-section (1) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include—

(a) particulars of lands and immovable properties being acquired of each affected family;

(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;

(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;

(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and

(e) details of any common property resources being acquired.

(2) The Administrator shall, based on the survey and census under sub-section (1), prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved—

(i) a list of Government buildings to be provided in the Resettlement Area;

(ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include time limit for implementing Rehabilitation and Resettlement Scheme;

(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.

(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area.

Provided that in case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:

Provided further that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

(6) The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.

17. (1) The Collector shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator with the Rehabilitation and Resettlement Committee at the project level constituted under section 45;

Review of the Rehabilitation and Resettlement Scheme.

(2) The Collector shall submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.

18. The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

Approved Rehabilitation and Resettlement Scheme to be made public.

19. (1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

Publication of declaration and summary of Rehabilitation and Resettlement.

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):

Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:

Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:

Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.

(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to in sub-section (1) shall indicate,—

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

20. The Collector shall thereupon cause the land, unless it has been already marked out under section 12, to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

Land to be marked out, measured and planned including marking of specific areas.

Notice to persons interested.

21. (1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.

(2) The public notice referred to in sub-section (1) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made under section 20.

(3) The Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or his agent.

(4) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situated.

(5) In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two national daily newspapers and also on his website.

Power to require and enforce the making of statements as to names and interests.

22. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being less than thirty days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

45 of 1860.

(2) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

23. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his hand of—

Enquiry and land acquisition award by Collector.

(a) the true area of the land;

(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and

(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

24. (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

25. The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Period within which an award shall be made.

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

26. (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

Determination of market value of land by Collector.

2 of 1899.

(a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,

whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1.—The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in *Explanation 1*, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 by 2 of 1899. the appropriate authority,

the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent. of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established

and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

27. The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

Determination of amount of compensation.

28. In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—

Parameters to be considered by Collector in determination of award.

firstly, the market value as determined under section 26 and the award amount in accordance with the First and Second Schedules;

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land; and

seventhly, any other ground which may be in the interest of equity, justice and beneficial to the affected families.

29. (1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

Determination of value of things attached to land or building.

(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

30. (1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent. of the compensation amount.

Award of solatium.

Explanation.—For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

CHAPTER V

REHABILITATION AND RESETTLEMENT AWARD

Rehabilitation
and Resettle-
ment Award
for affected
families by
Collector.

31. (1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.

(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:—

- (a) rehabilitation and resettlement amount payable to the family;
- (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (c) particulars of house site and house to be allotted, in case of displaced families;
- (d) particulars of land allotted to the displaced families;
- (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (f) particulars of payment for cattle shed and petty shops;
- (g) particulars of one-time amount to artisans and small traders;
- (h) details of mandatory employment to be provided to the members of the affected families;
- (i) particulars of any fishing rights that may be involved;
- (j) particulars of annuity and other entitlements to be provided;
- (k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided;

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable":

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

Provision of
infrastructural
amenities in
resettlement
area.

32. In every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule.

Corrections to
awards by
Collector.

33. (1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.

34. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

Adjournment of enquiry.

35. For the purpose of enquiries under this Act, the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested of any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

Power to summon and enforce attendance of witnesses and production of documents.

36. The appropriate Government may at any time before the award is made by the Collector under section 30 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Power to call for records, etc.

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

37. (1) The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

Awards of Collector when to be final.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.

38. (1) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30:

Power to take possession of land to be acquired.

Provided that the components of the Rehabilitation and Resettlement Package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award:

Provided further that in case of acquisition of land for irrigation or hydel project, being a public purpose, the rehabilitation and resettlement shall be completed six months prior to submergence of the lands acquired.

(2) The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.

39. The Collector shall, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

Additional compensation in case of multiple displacements.

40. (1) In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

Special powers in case of urgency to acquire land in certain cases.

(2) The powers of the appropriate Government under sub-section (1) shall be restricted to the minimum area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall tender payment of eighty per cent. of the compensation for such land as estimated by him to the person interested entitled thereto.

(4) In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1), sub-section (2) or sub-section (3) are applicable, the appropriate Government may direct that any or all of the provisions of Chapter II to Chapter VI shall not apply, and, if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under sub-section (1) of section 11.

(5) An additional compensation of seventy-five per cent. of the total compensation as determined under section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:

Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.

Special
provisions for
Scheduled
Castes and
Scheduled
Tribes.

41. (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.

(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.

(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

42. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

Reservation and other benefits.

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

2 of 2007.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

CHAPTER VI

PROCEDURE AND MANNER OF REHABILITATION AND RESETTLEMENT

43. (1) Where the appropriate Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then, the State Government shall, by notification, appoint in respect of that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement.

Appointment of Administrator.

(2) The Administrator shall, with a view to enable him to function efficiently and to meet the special time-frame, be provided with such powers, duties and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the appropriate Government may decide.

(3) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

44. (1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

Commissioner for rehabilitation and resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas.

Rehabilitation and resettlement committee at project level.

45. (1) Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.

(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:—

- (a) a representative of women residing in the affected area;
- (b) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- (c) a representative of a voluntary organisation working in the area;
- (d) a representative of a nationalised bank;
- (e) the Land Acquisition Officer of the project;
- (f) the Chairpersons of the panchayats or municipalities located in the affected area or their nominees;
- (g) the Chairperson of the District Planning Committee or his nominee;
- (h) the Member of Parliament and Member of the Legislative Assembly of the concerned area or their nominees;
- (i) a representative of the Requiring Body; and
- (j) Administrator for Rehabilitation and Resettlement as the Member-Convenor.

(3) The procedure regulating the discharge of the process given in this section and other matters connected thereto of the Rehabilitation and Resettlement Committee shall be such as may be prescribed by the appropriate Government.

Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.

46. (1) Where any person other than a specified person is purchasing land through private negotiations for an area equal to or more than such limits, as may be notified by the appropriate Government, considering the relevant State specific factors and circumstances, for which the payment of Rehabilitation and Resettlement Costs under this Act is required, he shall file an application with the District Collector notifying him of—

- (a) intent to purchase;
- (b) purpose for which such purchase is being made;
- (c) particulars of lands to be purchased.

(2) It shall be the duty of the Collector to refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlement.

(3) Based upon the Rehabilitation and Resettlement Scheme approved by the Commissioner as per the provisions of this Act, the Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements as per the provisions of this Act.

(4) No land use change shall be permitted if rehabilitation and resettlement is not complied with in full.

(5) Any purchase of land by a person other than specified persons without complying with the provisions of Rehabilitation and Resettlement Scheme shall be void *ab initio*:

Provided that the appropriate Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its State and shall also fix the limits or ceiling for the said purpose.

(6) If any land has been purchased through private negotiations by a person on or after the 5th day of September, 2011, which is more than such limits referred to in sub-section (1) and, if the same land is acquired within three years from the date of commencement of this Act, then, forty per cent. of the compensation paid for such land acquired shall be shared with the original land owners.

Explanation.—For the purpose of this section, the expression—

(a) “original land owner” refers to the owner of the land as on the 5th day of September, 2011;

(b) “specified persons” includes any person other than—

(i) appropriate Government;

(ii) Government company;

(iii) association of persons or trust or society as registered under the Societies Registration Act, 1860, wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

21 of 1860.

47. Where the Collector is of the view that the obligations of the Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an account in complete satisfaction of such obligations, which shall be administered by the Administrator appointed under section 43, under the supervision of the Collector.

Quantification and deposit of rehabilitation and resettlement amount.

CHAPTER VII

NATIONAL MONITORING COMMITTEE FOR REHABILITATION AND RESETTLEMENT

48. (1) The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

Establishment of National Monitoring Committee for rehabilitation and resettlement.

(2) The Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed.

(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

49. The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner and also as and when required.

Reporting requirements.

50. (1) The State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

Establishment of State Monitoring Committee for rehabilitation and resettlement.

(2) The Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed by the State.

(4) The State Government shall provide such officers and other employees to the Committee as may be necessary for its efficient functioning.

CHAPTER VIII

ESTABLISHMENT OF LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY

Establishment
of Land
Acquisition,
Rehabilitation
and
Resettlement
Authority.

51. (1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act.

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second proviso to sub-section (1) of section 64.

Composition
of Authority.

52. (1) The Authority shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification, by the appropriate Government.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may authorise the Presiding Officer of one Authority to discharge also the functions of the Presiding Officer of another Authority.

Qualifications
for
appointment
as Presiding
Officer.

53. (1) A person shall not be qualified for appointment as the Presiding Officer of an Authority unless,—

(a) he is or has been a District Judge; or

(b) he is a qualified legal practitioner for not less than seven years.

(2) A Presiding Officer shall be appointed by the appropriate Government in consultation with the Chief Justice of a High Court in whose jurisdiction the Authority is proposed to be established.

Terms of
office of
Presiding
Officer.

54. The Presiding Officer of an Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

Staff of
Authority.

55. (1) The appropriate Government shall provide the Authority with a Registrar and such other officers and employees as that Government may think fit.

(2) The Registrar and other officers and employees of an Authority shall discharge their functions under the general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority shall be such as may be prescribed.

Salary and
allowances and
other terms
and conditions
of service of
Presiding
Officers.

56. The salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Presiding Officer of an Authority, shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the said Presiding Officers shall be varied to their disadvantage after appointment.

Filling up of
vacancies.

57. If, for any reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of an Authority then the appropriate Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Authority from the stage at which the vacancy is filled.

58. (1) The Presiding Officer of an Authority may, by notice in writing under his hand addressed to the appropriate Government, resign his office:

Resignation
and removal.

Provided that the Presiding Officer shall, unless he is permitted by the appropriate Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Presiding Officer of an Authority shall not be removed from his office except by an order made by the appropriate Government on the ground of proven misbehaviour or incapacity after inquiry in the case of the Presiding Officer of an Authority made by a Judge of a High Court in which the Presiding Officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges.

(3) The appropriate Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Presiding Officer.

59. No order of the appropriate Government appointing any person as the Presiding Officer of an Authority shall be called in question in any manner, and no act or proceeding before an Authority shall be called in question in any manner on the ground merely of any defect in the constitution of an Authority.

Orders
constituting
Authority to
be final and
not to
invalidate its
proceedings.

5 of 1908.

60. (1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Powers of
Authority and
procedure
before it.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

5 of 1908.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

45 of 1860.

61. All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Proceedings
before
Authority to
be judicial
proceedings.

2 of 1974.

45 of 1860.

62. The Member and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and
officers of
Authority to
be public
servants.

Jurisdiction of civil courts barred.

63. No civil court (other than High Court under article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

Reference to Authority.

64. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

Collector's statement to Authority.

65. (1) In making the reference, the Collector shall state for the information of the Authority, in writing under his hand—

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under section 13, and the amount of compensation awarded under the provisions of this Act;

(d) the amount paid or deposited under any other provisions of this Act; and

(e) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) The statement under sub-section (1) shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the persons interested respectively:

Service of notice by Authority.

66. The Authority shall thereupon cause a notice specifying the day on which the Authority will proceed to determine the objection, and directing their appearance before the Authority on that day, to be served on the following persons, namely:—

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

67. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

Restriction on
scope of
proceedings.

68. Every such proceeding shall take place in public, and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

Proceedings to
be in public.

69. (1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 30 and the provisions under Chapter V of this Act.

Determination
of award by
Authority.

(2) In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.— In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(3) In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one hundred per cent. over the total compensation amount.

70. (1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

Form of
award.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908.

5 of 1908.

71. (1) Every such award shall also state the amount of costs incurred in the proceeding under this Chapter, and by what persons and in what proportions they are to be paid.

Costs.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Authority concerned is of the opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

72. If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent. per annum from the date on which he took possession of the land to the date of payment of such excess into Authority.

Collector may
be directed to
pay interest
on excess
compensation.

Provided that the award of the Authority concerned may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.

Re-determination of amount of compensation on the basis of the award of the Authority.

73. (1) Where in an award under this Chapter, the Authority concerned allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 23, the persons interested in all the other land covered by the same preliminary notification under section 11, and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority concerned require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority concerned.

Appeal to High Court.

74. (1) The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(2) Every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.

Explanation.—For the purposes of this section, “High Court” means the High Court within the jurisdiction of which the land acquired or proposed to be acquired is situated.

CHAPTER IX

APPORTIONMENT OF COMPENSATION

Particulars of apportionment to be specified.

75. When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

76. When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.

CHAPTER X

PAYMENT

Payment of compensation or deposit of same in Authority.

77. (1) On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in sub-section (2).

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of

the compensation in the Authority to which a reference under section 64 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

78. (1) If any money is deposited in the Authority concerned under sub-section (2) of section 77 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority concerned shall—

Investment of money deposited in respect of lands belonging to person incompetent to alienate.

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held; or

(b) if such purchase cannot be effected forthwith, then in such Government of other approved securities as the Authority concerned shall think fit,

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Authority concerned shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the Collector, namely:—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of the Authority concerned of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

79. When any money shall have been deposited in the Authority concerned under this Act for any cause other than the causes mentioned in section 78, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit from it as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Investment of money deposited in other cases.

80. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent. per annum from the time of so taking possession until it shall have been so paid or deposited:

Payment of interest.

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

CHAPTER XI

TEMPORARY OCCUPATION OF LAND

Temporary occupation of waste or arable land, procedure when difference as to compensation exists.

81. (1) Whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, the appropriate Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Authority.

Power to enter and take possession and compensation on restoration.

82. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 64, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

Difference as to condition of land.

83. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Authority concerned.

CHAPTER XII

OFFENCES AND PENALTIES

Punishment for false information, *mala fide* action, etc.

84. (1) If a person, in connection with a requirement or direction under this Act, provides any information that is false or misleading, or produces any false document, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.

(2) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be liable to be recovered by the appropriate Government in the manner as may be prescribed.

(3) Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant who, if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a fine as the disciplinary authority may decide.

Penalty for contravention of provisions of Act

85. If any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, every such person shall be liable to a punishment of six months which may extend to three years or with fine or with both.

Offences by companies.

86. (1) Where an offence under this Act has been committed by a company, every

person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals and a Requiring Body; and

(b) “director”, in relation to a firm, means a partner in the firm.

87. (1) Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by Government departments.

Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

88. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall be competent to try any offence punishable under this Act.

Cognizance of offences by court.

2 of 1974.

89. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence under this Act shall be deemed to be non-cognizable.

Offences to be non-cognizable.

90. No court shall take cognizance of any offence under this Act which is alleged to have been committed by a Requiring Body except on a complaint in writing made by the Collector or any other officer authorised by the appropriate Government or any member of the affected family.

Offences to be cognizable only on complaint filed by certain persons.

CHAPTER XIII

MISCELLANEOUS

91. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the surrender of the land to the Collector.

Magistrate to enforce surrender.

92. (1) Save as otherwise provided in section 66, the service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice, by

Service of notice.

the officer therein mentioned, and, in the case of any other notice, by order of the Collector.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult member of his family residing with him; and, if no such adult member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and also publish the same in at least two national daily newspapers and also on his website.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

93. (1) The appropriate Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the appropriate Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

Acquisition of part of house or building.

94. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority concerned and shall not be taken possession of such land until after the question has been determined.

(2) In deciding on such a reference made under the proviso to sub-section (1), the Authority concerned shall have regard to the question whether the land proposed to be taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

(3) If, in the case of any claim under this Act, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(4) In the case of any acquisition of land so required no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 23.

Acquisition of land at cost of a local authority or Requiring Body.

95. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Requiring Body, the charges of land incidental to such acquisition shall be defrayed from or by such fund or Requiring Body.

(2) In any proceeding held before a Collector or Authority concerned in such cases the local authority or Requiring Body concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64.

96. No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Exemption from income-tax, stamp duty and fees.

16 of 1908.

97. In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908, including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

Acceptance of certified copy as evidence.

98. No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amendments.

Notice in case of suits for anything done in pursuance of Act.

99. No change from the purpose or related purposes for which the land is originally sought to be acquired shall be allowed:

No change of purpose to be allowed.

Provided that if the land acquired is rendered unusable for the purpose for which it was acquired due to a fundamental change because of any unforeseen circumstances, then the appropriate Government may use such land for any other public purpose.

100. No change of ownership without specific permission from the appropriate Government shall be allowed.

No change of ownership without permission to be allowed.

101. When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Return of unutilised land.

Explanation.—For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.

102. Whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken place on such land, forty per cent. of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition:

Difference in price of land when transferred for higher consideration to be shared.

Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.

103. The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

Provisions to be in addition to existing laws.

104. Notwithstanding anything contained in this Act, the appropriate Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in sub-section (1) of section 2.

Option of appropriate Government to lease.

Provisions of this Act not to apply in certain cases or to apply with certain modifications.

105. (1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

Power to amend Schedule.

106. (1) The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

Power of State Legislatures to enact any law more beneficial to affected families.

107. Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

Option to affected families to avail better compensation and rehabilitation and resettlement.

108. (1) Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

(2) Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.

Power of appropriate Government to make rules.

109. (1) Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may provide for all or any of the following matters, namely:—

(a) the process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;

(b) the limits of land in rural areas or urban areas under clause (a) of sub-section (3) of section 2;

(c) the manner and the time limit for carrying out social impact assessment study under sub-section (1) of section 4;

(d) the manner of preparing and publishing social impact assessment study reports under sub-section (1) of section 6;

(e) the manner and time for conducting survey and undertaking census under sub-section (1) of section 16;

(f) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (2) of section 16;

(g) the manner of conducting public hearing under sub-section (5) of section 16;

(h) the manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;

(i) the manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;

(j) the form in which the Development Plan shall be prepared under sub-section (4) of section 41;

(k) the powers, duties and responsibilities of Administrator under sub-section (2) of section 43;

(l) the procedure of Rehabilitation and Resettlement Committee under sub-section (3) of section 45;

(m) the procedure to be followed by the Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;

(n) the procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 50;

(o) the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;

(p) the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;

(q) any other matter under clause (g) of sub-section (1) of section 60;

(r) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;

(s) the manner of returning the unutilised land by reversion under section 101;

(t) manner of publication wherever the provisions of this Act provide for;

(u) any other matter which is required to be or may be specified under this Act.

110. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

Rules made by
Central
Government
to be laid
before
Parliament.

modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Rules made by State Government to be laid before State Legislature.

111. Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Previous publication of rules made by Central and State Government.

112. The power to make rules by the Central or State Government under this Act shall be subject to the condition of the rules, being made after previous publication.

Power to remove difficulties.

113. (1) If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

114. (1) The Land Acquisition Act, 1894 is hereby repealed.

1 of 1894.

(2) Save as otherwise provided in this Act the repeal under sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeals.

10 of 1897.

THE FIRST SCHEDULE

[See section 30 (2)]

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatum	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatum mentioned against serial number 5 under column (2).	
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building	

(1)	(2)	(3)	(4)
		mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	

8. Other component, if any, to be included

NOTE.—The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

THE SECOND SCHEDULE

[See sections 31 (1), 38 (1) and 105 (3)]

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED), IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
(1)	(2)	(3)	(4)
1.	Provision of housing units in case of displacement	<p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p>	

(1)	(2)	(3)	(4)
-----	-----	-----	-----

Explanation.—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.

2. Land for Land

In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:

Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.

3. Offer for Developed Land

In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development:

Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.

4. Choice of Annuity or Employment

The appropriate Government shall ensure that the affected families are provided with the following options:

(1)	(2)	(3)	(4)
		<p>(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) one time payment of five lakhs rupees per affected family; or</p> <p>(c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>	
5.	Subsistence grant for displaced families for a period of one year	<p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.</p> <p>In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>	
6.	Transportation cost for displaced families	<p>Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.</p>	

(1)	(2)	(3)	(4)
7.	Cattle shed/petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.	
8.	One-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.	
9.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.	
10.	One-time Resettlement Allowance	Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.	
11.	Stamp duty and registration fee	<p>(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body.</p> <p>(2) The land for house allotted to the affected families shall be free from all encumbrances.</p> <p>(3) The land or house allotted may be in the joint names of wife and husband of the affected family.</p>	

THE THIRD SCHEDULE

[See sections 32, 38(1) and 105(3)]

PROVISION OF INFRASTRUCTURAL AMENITIES

For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the acquirer of land	Details of infrastructure amenities provided by the acquirer of land
(1)	(2)	(3)
1.	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged.	
2.	Proper drainage as well as sanitation plans executed before physical resettlement.	
3.	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.	
4.	Provision of drinking water for cattle.	
5.	Grazing land as per proportion acceptable in the State.	
6.	A reasonable number of Fair Price Shops.	
7.	Panchayat Ghars, as appropriate.	
8.	Village level Post Offices, as appropriate, with facilities for opening saving accounts.	
9.	Appropriate seed-cum-fertilizer storage facility if needed.	
10.	Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.	
11.	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.	
12.	Burial or cremation ground, depending on the caste-communities at the site and their practices.	
13.	Facilities for sanitation, including individual toilet points.	

(1)	(2)	(3)
14.	Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.	
15.	Anganwadi's providing child and mother supplemental nutritional services.	
16.	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);	
17.	Sub-health centre within two kilometres range.	
18.	Primary Health Centre as prescribed by the Government of India.	
19.	Playground for children.	
20.	One community centre for every hundred families.	
21.	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.	
22.	Separate land must be earmarked for traditional tribal institutions.	
23.	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.	
24.	Appropriate security arrangements must be provided for the settlement, if needed.	
25.	Veterinary service centre as per norms.	

NOTE.— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the acquirer of land under column (3).

THE FOURTH SCHEDULE

(See section 105)

LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND
REHABILITATION AND RESETTLEMENT

1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).
2. The Atomic Energy Act, 1962 (33 of 1962).
3. The Damodar Valley Corporation Act, 1948 (14 of 1948).
4. The Indian Tramways Act, 1886 (11 of 1886).
5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).
6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
7. The National Highways Act, 1956 (48 of 1956).
8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).
10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).
11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
12. The Electricity Act, 2003 (36 of 2003).
13. The Railways Act, 1989 (24 of 1989).

Sd/-

P. K. MALHOTRA,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGRAVAL,

Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 17th May, 2014.

No. RPB/40-2014/Act-20-13/E .-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 10th September, 2013, Bhadra 19, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 10th September, 2013, is hereby published for general information :-

THE NATIONAL FOOD SECURITY ACT, 2013, 2013

No. 20 OF 2013

[10th September, 2013]

An Act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1.(1) This Act may be called the National Food Security Act, 2013.

(2) It extends to the whole of India.

(3) save as otherwise provided, it shall be deemed to have come into force on the 5th day of July, 2013.

2. In this Act, unless the context otherwise requires,-

(1) "anganwadi" means a child care and development center set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause (a) of sub-section (1) of section 5 and section 6.

Short title
extent and
commencement.

Definitions.

(2) "central pool" means the stock of foodgrains which is,—

(i) procured by the Central Government and the State Governments through minimum support price operations;

(ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;

(iii) kept as reserves for schemes referred to in sub-clause (ii);

(3) "eligible households" means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;

(4) "fair price shop" means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders under the Targeted Public Distribution System;

10 of 1955.

(5) "foodgrains" means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;

(6) "food security" means the supply of the entitled quantity of foodgrains and meal specified under Chapter II;

(7) "food security allowance" means the amount of money to be paid by the concerned State Government to the entitled persons under section 8;

(8) "local authority" includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;

(9) "meal" means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;

(10) "minimum support price" means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;

(11) "notification" means a notification issued under this Act and published in the Official Gazette;

(12) "other welfare schemes" means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;

(13) "person with disability" means a person defined as such in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(14) "priority households" means households identified as such under section 10;

(15) "prescribed" means prescribed by rules made under this Act;

(16) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;

(17) "rural area" means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

56 of 2007.

(18) "Schedule" means a Schedule appended to this Act;

(19) "senior citizen" means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;

(20) "social audit" means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;

(21) "State Commission" means the State Food Commission constituted under section 16;

(22) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(23) "Targeted Public Distribution System" means the system for distribution of essential commodities to the ration card holders through fair price shops;

(24) "Vigilance Committee" means a committee constituted under section 29 to supervise the implementation of all schemes under this Act;

10 of 1955.

(25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

CHAPTER II

PROVISIONS FOR FOOD SECURITY

3. (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System:

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

Explanation.— For the purpose of this section, the "Antyodaya Anna Yojana" means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

(2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.

(3) Subject to sub-section (1), the State Government may provide to the persons belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.

4. Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System.

Nutritional support to pregnant women and lactating mothers.

Nutritional support to children.

5. (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

Prevention and management of child malnutrition.

6. The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.

Implementation of schemes for realisation of entitlements.

7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

CHAPTER III

FOOD SECURITY ALLOWANCE

Right to receive food security allowance in certain cases.

8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

CHAPTER IV

IDENTIFICATION OF ELIGIBLE HOUSEHOLDS

Coverage of population under Targeted Public Distribution System.

9. The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

State Government to prepare guidelines and to identify priority households.

10. (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify—

(a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;

(b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify:

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of

the Act, identify the eligible households in accordance with the guidelines framed under this sub-section:

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

(2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

11. The State Government shall place the list of the identified eligible households in the public domain and display it prominently.

Publication and display of list of eligible households.

CHAPTER V

REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM

12. (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.

Reforms in Targeted Public Distribution System.

(2) The reforms shall, *inter alia*, include—

(a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging "aadhaar" for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, self-help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

CHAPTER VI

WOMEN EMPOWERMENT

13. (1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

CHAPTER VII

GRIEVANCE REDRESSAL MECHANISM

14. Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

Internal grievance redressal mechanism.

District
Grievance
Redressal
Officer.

15. (1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.

(2) The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the State Government.

(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.

(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.

(5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.

(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

State Food
Commission.

16. (1) Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of—

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons—

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;

(e) hear appeals against orders of the District Grievance Redressal Officer;

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission.

Designation of
any
Commission or
body to
function as
State
Commission.

18. The State Government may, if considers it necessary, by notification, designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.

Joint State
Food
Commission.

19. Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.

Powers
relating to
inquiries.

20. (1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

Vacancies,
etc., not to
invalidate
proceedings
of State
Commission.

21. No act or proceeding of the State Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the State Commission; or

(b) any defect in the appointment of a person as the Chairperson or a Member of the State Commission; or

(c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

CHAPTER VIII

OBLIGATIONS OF CENTRAL GOVERNMENT FOR FOOD SECURITY

Central
Government
to allocate
required
quantity of
foodgrains
from central
pool to State
Governments.

22. (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section 10.

(3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.

(4) Without prejudice to sub-section (1), the Central Government shall,—

(a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;

(b) allocate foodgrains to the States;

(c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;

(d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and

(e) create and maintain required modern and scientific storage facilities at various levels.

23. In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

Provisions for funds by Central Government to State Government in certain cases.

CHAPTER IX

OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY

24. (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

Implementation and monitoring of schemes for ensuring food security.

(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—

(a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and

(b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

(3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.

(4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, the State Government shall be responsible for payment of food security allowance specified in section 8.

(5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—

(a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;

(b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;

(c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.

CHAPTER X

OBLIGATIONS OF LOCAL AUTHORITIES

Implementation
of Targeted
Public

25. (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

Distribution
System by
local authority
in their areas.

(2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

Obligations of
local
authority.

26. In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

CHAPTER XI

TRANSPARENCY AND ACCOUNTABILITY

Disclosure of
records of
Targeted
Public
Distribution
System.

27. All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

Conduct of
social audit.

28. (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

Setting up of
Vigilance
Committees.

29. (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

10 of 1955.

(2) The Vigilance Committees shall perform the following functions, namely:—

(a) regularly supervise the implementation of all schemes under this Act;

(b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

CHAPTER XII

PROVISIONS FOR ADVANCING FOOD SECURITY

Food security
for people
living in
remote, hilly
and tribal
areas.

30. The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

31. The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III.

Steps to further advance food and nutritional security.

CHAPTER XIII

MISCELLANEOUS

32. (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.

Other welfare schemes.

(2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.

33. Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:

Penalties.

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

34. (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

Power to adjudicate.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

35. (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

Power to delegate by Central Government and State Government.

(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

36. The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

Act to have overriding effect.

37. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule IV and thereupon Schedule I or Schedule II or Schedule III or Schedule IV, as the case may be, shall be deemed to have been amended accordingly.

Power to amend Schedules.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

38. The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

Power of Central Government to give directions.

12/11/2014

Power of
Central
Government
to make rules.

39. (1) The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

(c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;

(d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12;

(e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause (d) of sub-section (4) of section 22;

(f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of
State
Government
to make rules.

40. (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) guidelines for identification of priority households under sub-section (1) of section 10;

(b) internal grievance redressal mechanism under section 14;

(c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;

(d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;

(e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;

(f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

(g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;

(h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;

(i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;

(j) composition of Vigilance Committees under sub-section (1) of section 29;

(k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;

(l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

41. The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder:

Transitory provisions for schemes, guidelines, etc.

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

Utilisation of institutional mechanism for other purposes.

44. The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act:

Force Majeure.

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

Ord. 7 of 2013.

45. (1) The National Food Security Ordinance, 2013 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal,—

(a) anything done, any action taken or any identification of eligible households made; or

(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence,

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

SCHEDULE I

[See sections 3(1), 22(1), (3) and 24 (2), (3)]

SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding,—

(i) the minimum support price for wheat and coarse grains; and

(ii) the derived minimum support price for rice,

as the case may be.

SCHEDULE II

[See sections 4(a), 5(1) and 6]

NUTRITIONAL STANDARDS

Nutritional standards: The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing "Take Home Rations" or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial number	Category	Type of meal ²	Calories (Kcal)	Protein (g)
1	2	3	4	5
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20

SCHEDULE III

(See section 31)

PROVISIONS FOR ADVANCING FOOD SECURITY

(1) Revitalisation of Agriculture—

(a) agrarian reforms through measures for securing interests of small and marginal farmers;

(b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;

(c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;

(d) prohibiting unwarranted diversion of land and water from food production.

(2) Procurement, Storage and Movement related interventions—

(a) incentivising decentralised procurement including procurement of coarse grains;

(b) geographical diversification of procurement operations;

(c) augmentation of adequate decentralised modern and scientific storage;

(d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.

(3) Others: Access to—

(a) safe and adequate drinking water and sanitation;

(b) health care;

(c) nutritional, health and education support to adolescent girls;

(d) adequate pensions for senior citizens, persons with disability and single women.

SCHEDULE IV

[See section 3(1)]

STATE-WISE ALLOCATION OF FOODGRAINS

S. No.	Name of the State	Quantity (in lakh tons)
1	2	3
1.	Andhra Pradesh	32.10
2.	Arunachal Pradesh	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.91
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Karnataka	25.56
14.	Kerala	14.25
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76
19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.70
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamilnadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
Total		549.26

Sd/-

DR. SANJAY SINGH,

Additional Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARVAL,

Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 17th May, 2014.

No. RPB/43-2014/Act-22-13/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 13th September, 2013, Bhadra 22, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 12th September, 2013, is hereby published for general information :-

THE SECURITIES AND EXCHANGE BOARD OF INDIA

(AMENDMENT) ACT, 2013

No. 22 OF 2013

[12th September, 2013]

An Act further to amend the Securities and Exchange Board of India Act, 1992.

Be it enacted by Parliament in the Sixty-fourth Year of the republic of India as follows :-

1.(1) This Act may be called the Securities and Exchange Board of India (Amendment) Act, 2013.

Short title and commencement

(2) It shall be deemed to have come into force on the 21st day of January, 2013.

15 of 1992

2. In section 15M of the Securities and Exchange Board of India Act, 1992, for sub-section (1), the following sub-sections shall be substituted, namely :-

Amendment of Section 15M

"(1) A person shall not be qualified for appointment as the Presiding Officer of the Securities Appellate Tribunal unless he--

(a) is a sitting or retired Judge of the Supreme Court or a sitting or retired Chief Justice of a High Court; or

(b) is a sitting or retired Judge of a High Court who has completed not less than seven years of service as a Judge in a High Court.

(1A) The Presiding Officer of the Securities Appellate Tribunal shall be appointed by the Central Government in consultation with the Chief Justice of India or his nominee."

Repeal and
saving

3. (1) The Securities of exchange Board of India (Amendment) Second Ord. of 2013 Ordinance, 2013 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Securities and Exchange Board of India Act, 1992, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of that Act, as amended by this Act. 15 of 1992

Sd/-

P. K. Malhotra,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,
Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 6th June, 2014.

No. RPB/56-2014/Act-7-14/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 5th March, 2014, Falgun 14, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 4th March, 2014, is hereby published for general information :-

THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014

AN ACT

to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-Fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the street vendors (Protection of livelihood and Regulation of street vending) Act, 2014.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Short title,
extent,
commencement
and
provisions.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

(4) The provisions of this Act shall not apply to any land, premises and trains owned and controlled by the Railways under the Railway Act, 1989.

24 of 1989.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in respect of matters relating to,—

(i) a Union territory without Legislature, the Central Government;

(ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Puducherry;

(iii) a State, the State Government;

(b) “holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(c) “local authority” means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the “planning authority” which regulates the land use in that city or town;

41 of 2006.

(d) “mobile vendors” means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;

(e) “natural market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(f) “notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;

(g) “planning authority” means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;

(h) “prescribed” means prescribed by rules made under this Act by the appropriate Government;

(i) “Schedule” means the Schedule annexed to this Act;

(j) “scheme” means a scheme framed by the appropriate Government under section 38;

(k) “stationary vendors” means street vendors who carry out vending activities on regular basis at a specific location;

(l) “street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and

includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

(m) "Town Vending Committee" means the body constituted by the appropriate Government under section 22;

(n) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.

(2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGULATION OF STREET VENDING

3. (1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.

Survey of street vendors and protection from eviction or relocation.

(2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent. of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.

(3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.

4. (1) Every street vendor, identified under the survey carried out under sub-section (1) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Issue of certificate of vending.

Provided that a person, whether or not included under the survey under sub-section (1) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

(2) Where, in the intervening period between two surveys, any person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.

(3) Where the number of street vendors identified under sub-section (1) or the number of persons seeking to vend under sub-section (2) are more than the holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone, the Town Vending Committee shall carry out a draw of lots for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

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Conditions for
issue of
certificate of
vending.

5. (1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 4, that—

(a) he shall carry on the business of street vending himself or through any of his family member;

(b) he has no other means of livelihood;

(c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

(2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

(a) spouse of the street vendor;

(b) dependent child of the street vendor.

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20.

Categories of
certificate of
vending and
issue of
identity cards.

6. (1) The certificate of vending shall be issued under any of the following categories, namely:—

(a) a stationary vendor;

(b) a mobile vendor; or

(c) any other category as may be specified in the scheme.

(2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the conditions and restrictions subject to which he shall carry on such vending activities.

(3) Every street vendor who has been issued certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme.

Criteria for
issuing
certificate of
vending.

7. The criteria to be followed by the Town Vending Committee for issuing certificate of vending to a street vendor shall be as specified in the scheme, which may, apart from other things, provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women, persons with disabilities, minorities or such other categories as may be specified in the scheme.

Vending fees.

8. Every street vendor who has been issued certificate of vending shall pay such vending fees as may be specified in the scheme.

Validity and
renewal of
certificate of
vending.

9. (1) Every certificate of vending shall be valid for such period as may be specified in the scheme.

(2) Every certificate of vending shall be renewable for such period, in such manner, and on payment of such fees, as may be specified in the scheme.

Cancellation
or suspension
of certificate
of vending.

10. Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such manner as may be specified in the scheme and for such period as it deems fit:

Provided that no such cancellation or suspension shall be made by the Town Vending Committee unless an opportunity of hearing has been given to the street vendor.

11. (1) Any person who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending under section 6 or cancellation or suspension of certificate of vending under section 10 may prefer an appeal to the local authority in such form, within such period, and in such manner, as may be prescribed.

Appeal from decision of Town Vending Committee.

(2) No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing.

CHAPTER III

RIGHTS AND OBLIGATIONS OF STREET VENDORS

12. (1) Every street vendor shall have the right to carry on the business of street vending activities in accordance with the terms and conditions mentioned in the certificate of vending.

Rights of street vendor.

(2) Notwithstanding anything contained in sub-section (1), where any area or space, as the case may be, has been earmarked as no-vending zone, no street vendor shall carry out any vending activities in that zone.

13. Every street vendor, who possesses a certificate of vending, shall, in case of his relocation under section 18, be entitled for new site or area, as the case may be, for carrying out his vending activities as may be determined by the local authority, in consultation with the Town Vending Committee.

Right of street vendor for a new site or area on relocation.

14. Where a street vendor occupies space on a time sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.

Duty of street vendors.

15. Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.

Maintenance of cleanliness and public hygiene.

16. Every street vendor shall maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause any damage or destruction to the same.

Maintenance of civic amenities in vending zone in good condition.

17. Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.

Payment of maintenance charges.

CHAPTER IV

RELOCATION AND EVICTION OF STREET VENDORS

18. (1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, in such manner as may be specified in the scheme.

Relocation or eviction of street vendors.

(2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 or who does not have a certificate of vending and vends without such certificate, in such manner as may be specified in the scheme.

(3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same in such manner as may be specified in the scheme.

(4) A street vendor shall be relocated or evicted by the local authority physically in such manner as may be specified in the scheme only after he had failed to vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice.

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(5) Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.

Seizure and
reclaiming of
goods.

19. (1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

(2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.

CHAPTER V

DISPUTE REDRESSAL MECHANISM

Redressal of
grievances or
resolution of
disputes of
street
vendors.

20. (1) The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2):

Provided that no employee of the appropriate Government or the local authority shall be appointed as members of the committee.

(2) Every street vendor who has a grievance or dispute may make an application in writing to the committee constituted under sub-section (1) in such form and manner as may be prescribed.

(3) On receipt of grievance or dispute under sub-section (2), the committee referred to in sub-section (1) shall, after verification and enquiry in such manner, as may be prescribed, take steps for redressal of such grievance or resolution of such dispute, within such time and in such manner as may be prescribed.

(4) Any person who is aggrieved by the decision of the committee may prefer an appeal to the local authority in such form, within such time and in such manner as may be prescribed.

(5) The local authority shall dispose of the appeal received under sub-section (4) within such time and in such manner as may be prescribed:

Provided that the local authority shall, before disposing of the appeal, give an opportunity of being heard to the aggrieved person.

CHAPTER VI

PLAN FOR STREET VENDING

Plan for
street
vending.

21. (1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.

(2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.

CHAPTER VII

TOWN VENDING COMMITTEE

22. (1) The appropriate Government may, by rules made in this behalf, provide for the term and the manner of constituting a Town Vending Committee in each local authority:

Town Vending Committee.

Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority.

(2) Each Town Vending Committee shall consist of:—

(a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and

(b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;

(c) the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;

(d) the number of members representing the street vendors shall not be less than forty per cent. who shall be elected by the street vendors themselves in such manner as may be prescribed:

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors.

(3) The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.

23. (1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and discharge such functions, as may be prescribed.

Meetings of Town Vending Committee.

(2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision.

24. (1) The Town Vending Committee may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire, in carrying out any of the provisions of this Act.

Temporary association of persons with Town Vending Committee for particular purposes.

(2) A person associated under sub-section (1) shall be paid such allowances as may be prescribed.

25. The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.

Office space and other employees for Town Vending Committee.

Publication
of street
vendor's
charter and
data-base and
carrying out
of social
audit.

26. (1) Every Town Vending Committee shall publish the street vendor's charter specifying therein the time within which the certificate of vending shall be issued to a street vendor and the time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein.

(2) Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors, in such manner as may be prescribed.

(3) Every Town Vending Committee shall carry out social audit of its activities under the Act or the rules or the schemes made thereunder in such form and manner as may be specified in the scheme.

CHAPTER VIII

PREVENTION OF HARASSMENT OF STREET VENDORS

Prevention
of
harassment
by police and
other
authorities.

27. Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.

CHAPTER IX

PENAL PROVISIONS

Penalty for
contraventions.

28. If any street vendor—

(a) indulges in vending activities without a certificate of vending;

(b) contravenes the terms of certificate of vending; or

(c) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder,

he shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.

CHAPTER X

MISCELLANEOUS

Provisions of
this Act, not
to be
construed as
conferring
ownership
rights, etc.

29. (1) Nothing contained in this Act shall be construed as conferring upon a street vendor any temporary, permanent or perpetual right of carrying out vending activities in the vending zones allotted to him or in respect of any place on which he carries on such vending activity.

(2) Nothing contained in sub-section (1) shall apply to any stationery vendor, if a temporary leasehold or ownership right has been conferred on him by a lease deed or otherwise, in respect of a place at specific location where he carries on such vending activity in accordance with the provisions of any law for the time being in force for carrying out such vending activity.

Returns.

30. Every Town Vending Committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed.

Promotional
measures.

31. The appropriate Government may, in consultation with the Town Vending Committee, local authority, planning authority and street vendors associations or unions, undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

32. The appropriate Government may, to the extent of availability of financial and other resources,—

Research,
training and
awareness.

(a) organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;

(b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through Town Vending Committee.

33. The provisions of this Act shall have effect notwithstanding anything inconsistent therein contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have
overriding
effect.

34. The appropriate Government may, by general or special order in writing, delegate such of its powers and functions under this Act (excluding the power to frame scheme under section 38 and power to make rules under section 36), as it may deem necessary, to the local authority or the Town Vending Committee or any other officer, subject to such conditions, if any, as may be specified in that order.

Power to
delegate.

35. (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedules and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.

Power to
amend
Schedules.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

36. (1) The appropriate Government shall, within one year from the date of commencement of this Act, by notification, make rules for carrying out the provisions of this Act.

Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the age for street vending under sub-section (1) of section 4;

(b) the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;

(c) the persons and the experience such person shall have under sub-section (1) of section 20;

(d) the form and the manner of making application under sub-section (2) of section 20;

(e) the manner of verification and enquiry on receipt of grievance or dispute, the time within which and the manner in which steps for redressal of grievances and resolution of disputes may be taken under sub-section (3) of section 20;

(f) the form, the time within which and the manner in which an appeal may be filed under sub-section (4) of section 20;

(g) the time within which and the manner in which an appeal shall be disposed of under sub-section (5) of section 20;

(h) the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;

(i) the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;

(j) the manner of elections among street vendors under clause (a) of sub-section (2) of section 22;

(k) the allowances to Chairperson and members under sub-section (3) of section 22;

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(l) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged by the Town Vending Committee under section 23;

(m) the manner and the purpose for which a person may be associated under sub-section (1) of section 24;

(n) the allowances to be paid to an associated person under sub-section (2) of section 24;

(o) the other employees of Town Vending Committee under section 25;

(p) the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;

(q) the returns to be furnished under section 30;

(r) the manner of publishing summary of scheme under sub-section (2) of section 38.

(3) Every rule and scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme.

(4) Every rule or scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

Power to
make bye-
laws.

37. Subject to the provisions of this Act or any rule or scheme made thereunder, the local authority may make bye-laws to provide for all or any of the following matters, namely:—

(a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;

(b) determination of monthly maintenance charges for the civic amenities and facilities in the vending zones under section 17;

(c) determination of penalty under sub-section (5) of section 18 and section 28;

(d) the regulation of the collection of taxes and fees in the vending zones;

(e) the regulation of traffic in the vending zones;

(f) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;

(g) the regulation of civic services in the vending zones; and

(h) the regulation of such other matters in the vending zones as may be necessary.

Scheme for
street vendors.

38. (1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule.

(2) A summary of the scheme notified by the appropriate Government under sub-section (1) shall be published by the local authority in at least two local news papers in such manner as may be prescribed.

39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

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THE FIRST SCHEDULE

(See section 21)

PLAN FOR STREET VENDING

(1) The plan for street vending shall,—

(a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;

(b) ensure the right of commuters to move freely and use the roads without any impediment;

(c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;

(d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;

(e) promote convenient, efficient and cost effective distribution of goods and provision of services;

(f) such other matters as may be specified in the scheme to give effect to the plan for street vending.

(2) The plan for street vending shall contain all of the following matters, namely:—

(a) determination of spatial planning norms for street vending;

(b) earmarking of space or area for vending zones;

(c) determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(d) making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;

(e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.

(3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—

(a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;

(b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;

(c) overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;

(d) sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;

(e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

THE SECOND SCHEDULE

(See section 38)

Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government:—

- (a) the manner of conducting survey;
- (b) the period within which certificate of vending shall be issued to the street vendors identified under the survey;
- (c) the terms and conditions subject to which certificate of vending may be issued to a street vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;
- (d) the form and the manner in which the certificate of vending may be issued to a street vendor;
- (e) the form and manner of issuing identity cards to street vendors;
- (f) the criteria for issuing certificate of vending to street vendors;
- (g) the vending fees to be paid on the basis of category of street vending, which may be different for different cities;
- (h) the manner of collecting, through banks, counters of local authority and counters of Town Vending Committee, vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
- (i) the period of validity of certificate of vending;
- (j) the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;
- (k) the manner in which the certificate of vending may be suspended or cancelled;
- (l) the categories of street vendors other than stationery vendors and mobile vendors;
- (m) the other categories of persons for preference for issue of certificate of vending;
- (n) the public purpose for which a street vendor may be relocated and the manner of relocating street vendor;
- (o) the manner of evicting a street vendor;
- (p) the manner of giving notice for eviction of a street vendor;
- (q) the manner of evicting a street vendor physically on failure to evict;
- (r) the manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;
- (s) the manner of reclaiming seized goods by the street vendor and the fees for the same;
- (t) the form and the manner for carrying out social audit of the activities of Town Vending Committee;
- (u) the conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(v) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;

(w) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;

(x) the manner of maintenance of proper records and other documents by the Town Vending Committee, local authority, planning authority and State Nodal Officer in respect of street vendors;

(y) the manner of carrying out vending activities on time-sharing basis;

(z) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(za) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey;

(zb) principles of relocation subject to the following:—

(i) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;

(ii) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project;

(iii) affected vendors shall be relocated so as to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels;

(iv) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;

(v) loss of assets shall be avoided and in case of any loss, it shall be compensated;

(vi) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;

(vii) state machinery shall take comprehensive measures to check and control the practice of forced evictions;

(viii) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated;

(zc) any other matter which may be included in the scheme for carrying out the purposes of this Act.

Sd/-

P. K. MALHOTRA,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,

Principal Secretary to Government.



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, dated the 6th June, 2014.

No. RPB/53-2014/Act-1-14/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 1st January, 2014, pausa 11, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 1st January, 2014, is hereby published for general information :-

THE LOKPAL AND LOKAYUKTAS ACT, 2013

AN ACT

to provide for the establishment of body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

WHEREAS Constitution of India established a Democratic Republic to ensure justice for all;

AND WHEREAS India has ratified the united Nations Convention Against Corruption;

AND WHEREAS The Government's Commitment to clean and responsive governance has to be reflected in effective bodies to certain and punish acts of corruption;

Now, therefore, it is expedient to enact a law, for more effective implementation of the said Convention and to provide for prompt and fair investigations and prosecution in case of corruption..

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title,
extent,
application
and
commencement.

1. (1) This Act may be called the Lokpal and Lokayuktas Act, 2013.
- (2) It extends to the whole of India.
- (3) It shall apply to public servants in and outside India.
- (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

PART II

LOKPAL FOR THE UNION

CHAPTER I

DEFINITIONS

Definitions.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) "bench" means a bench of the Lokpal;
 - (b) "Chairperson" means the Chairperson of the Lokpal;
 - (c) "competent authority", in relation to—
 - (i) the Prime Minister, means the House of the People;
 - (ii) a member of the Council of Ministers, means the Prime Minister;
 - (iii) a member of Parliament other than a Minister, means—
 - (A) in the case of a member of the Council of States, the Chairman of the Council; and
 - (B) in the case of a member of the House of the People, the Speaker of the House;
 - (iv) an officer in the Ministry or Department of the Central Government, means the Minister in charge of the Ministry or Department under which the officer is serving;
 - (v) a chairperson or members of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the Minister in charge of the administrative Ministry of such body or Board or corporation or authority or company or society or autonomous body;
 - (vi) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
 - (vii) in any other case not falling under sub-clauses (i) to (vi) above, means such Department or authority as the Central Government may, by notification, specify;

Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a member of Parliament, then, the competent authority shall be—

(A) in case such member is a member of the Council of States, the Chairman of the Council; and

(B) in case such member is a member of the House of the People, the Speaker of the House;

(d) "Central Vigilance Commission" means the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003;

45 of 2003.

(e) "complaint" means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;

49 of 1988.

(f) "Delhi Special Police Establishment" means the Delhi Special Police Establishment constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946;

25 of 1946.

(g) "investigation" means an investigation as defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;

2 of 1974.

(h) "Judicial Member" means a Judicial Member of the Lokpal;

(i) "Lokpal" means the body established under section 3;

(j) "Member" means a Member of the Lokpal;

(k) "Minister" means a Union Minister but does not include the Prime Minister;

(l) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(m) "preliminary inquiry" means an inquiry conducted under this Act;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "public servant" means a person referred to in clauses (a) to (h) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950; the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;

45 of 1950.

46 of 1950.

62 of 1957.

30 of 1978.

(p) "regulations" means regulations made under this Act;

(q) "rules" means rules made under this Act;

(r) "Schedule" means a Schedule appended to this Act;

(s) "Special Court" means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.

49 of 1988.

(2) The words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.

49 of 1988.

(3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

CHAPTER II

ESTABLISHMENT OF LOKPAL

Establishment
of Lokpal.

3. (1) On and from the commencement of this Act, there shall be established, for the purpose of this Act, a body to be called the "Lokpal".

(2) The Lokpal shall consist of—

(a) a Chairperson, who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person who fulfils the eligibility specified in clause (b) of sub-section (3); and

(b) such number of Members, not exceeding eight out of whom fifty per cent. shall be Judicial Members:

Provided that not less than fifty per cent. of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

(3) A person shall be eligible to be appointed,—

(a) as a Judicial Member if he is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court;

(b) as a Member other than a Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

(4) The Chairperson or a Member shall not be—

(i) a member of Parliament or a member of the Legislature of any State or Union territory;

(ii) a person convicted of any offence involving moral turpitude;

(iii) a person of less than forty-five years of age, on the date of assuming office as the Chairperson or Member, as the case may be;

(iv) a member of any Panchayat or Municipality;

(v) a person who has been removed or dismissed from the service of the Union or a State,

and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be affiliated with any political party or carry on any business or practise any profession and, accordingly, before he enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if—

(a) he holds any office of trust or profit, resign from such office; or

(b) he is carrying on any business, sever his connection with the conduct and management of such business; or

(c) he is practising any profession, cease to practise such profession.

Appointment
of Chairperson
and Members
on
recommendations
of Selection
Committee.

4. (1) The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of—

(a) the Prime Minister—Chairperson;

(b) the Speaker of the House of the People—Member;

(c) the Leader of Opposition in the House of the People—Member;

(d) the Chief Justice of India or a Judge of the Supreme Court nominated by him—Member;

(e) one eminent jurist, as recommended by the Chairperson and Members referred to in clauses (a) to (d) above; to be nominated by the President—Member.

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.

(3) The Selection Committee shall for the purposes of selecting the Chairperson and Members of the Lokpal and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least seven persons of standing and having special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management or in any other matter which, in the opinion of the Selection Committee, may be useful in making the selection of the Chairperson and Members of the Lokpal:

Provided that not less than fifty per cent. of the members of the Search Committee shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women:

Provided further that the Selection Committee may also consider any person other than the persons recommended by the Search Committee.

(4) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Lokpal.

(5) The term of the Search Committee referred to in sub-section (3), the fees and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.

5. The President shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members at least three months before the expiry of the term of the Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act.

Filling of vacancies of Chairperson or Members.

6. The Chairperson and every Member shall, on the recommendations of the Selection Committee, be appointed by the President by warrant under his hand and seal and hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Term of office of Chairperson and Members.

Provided that he may—

(a) by writing under his hand addressed to the President, resign his office; or

(b) be removed from his office in the manner provided in section 37.

7. The salary, allowances and other conditions of service of—

(i) the Chairperson shall be the same as those of the Chief Justice of India;

(ii) other Members shall be the same as those of a Judge of the Supreme Court:

Provided that if the Chairperson or a Member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a Member, be reduced—

Salary, allowances and other conditions of service of Chairperson and Members.

(a) by the amount of that pension; and

(b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

Restriction on
employment
by
Chairperson
and Members
after ceasing
to hold office.

8. (1) On ceasing to hold office, the Chairperson and every Member shall be ineligible for—

(i) reappointment as the Chairperson or a Member of the Lokpal;

(ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;

(iii) further employment to any other office of profit under the Government of India or the Government of a State;

(iv) contesting any election of President or Vice-President or Member of either House of Parliament or Member of either House of a State Legislature or Municipality or Panchayat within a period of five years from the date of relinquishing the post.

(2) Notwithstanding anything contained in sub-section (1), a Member shall be eligible to be appointed as a Chairperson, if his total tenure as Member and Chairperson does not exceed five years.

Explanation.—For the purposes of this section, it is hereby clarified that where the Member is appointed as the Chairperson, his term of office shall not be more than five years in aggregate as the Member and the Chairperson.

Member to act
as Chairperson
or to discharge
his functions
in certain
circumstances.

9. (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the senior-most Member available, as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Secretary,
other officers
and staff of
Lokpal.

10. (1) There shall be a Secretary to the Lokpal in the rank of Secretary to Government of India, who shall be appointed by the Chairperson from a panel of names sent by the Central Government.

(2) There shall be a Director of Inquiry and a Director of Prosecution not below the rank of Additional Secretary to the Government of India or equivalent, who shall be appointed by the Chairperson from a panel of names sent by the Central Government.

(3) The appointment of officers and other staff of the Lokpal shall be made by the Chairperson or such Member or officer of Lokpal as the Chairperson may direct:

Provided that the President may by rule require that the appointment in respect of any post or posts as may be specified in the rule, shall be made after consultation with the Union Public Service Commission.

(4) Subject to the provisions of any law made by Parliament, the conditions of service of Secretary and other officers and staff of the Lokpal shall be such as may be specified by regulations made by the Lokpal for the purpose:

Provided that the regulations made under this sub-section shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the President.

CHAPTER III

INQUIRY WING

49 of 1988.

11. (1) Notwithstanding anything contained in any law for the time being in force, the Lokpal shall constitute an Inquiry Wing headed by the Director of Inquiry for the purpose of conducting preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988:

Inquiry Wing.

Provided that till such time the Inquiry Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting preliminary inquiries under this Act.

(2) For the purposes of assisting the Lokpal in conducting a preliminary inquiry under this Act, the officers of the Inquiry Wing not below the rank of the Under Secretary to the Government of India, shall have the same powers as are conferred upon the Inquiry Wing of the Lokpal under section 27.

CHAPTER IV

PROSECUTION WING

12. (1) The Lokpal shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act:

Prosecution Wing.

Provided that till such time the Prosecution Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting prosecution under this Act.

49 of 1988.

(2) The Director of Prosecution shall, after having been so directed by the Lokpal, file a case in accordance with the findings of investigation report, before the Special Court and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988.

2 of 1974.

(3) The case under sub-section (2), shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

CHAPTER V

EXPENSES OF LOKPAL TO BE CHARGED ON CONSOLIDATED FUND OF INDIA

13. The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India and any fees or other moneys taken by the Lokpal shall form part of that Fund.

Expenses of Lokpal to be charged on Consolidated Fund of India.

CHAPTER VI

JURISDICTION IN RESPECT OF INQUIRY

14. (1) Subject to the other provisions of this Act, the Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:—

(a) any person who is or has been a Prime Minister:

Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Prime Minister,—

(i) in so far as it relates to international relations, external and internal security, public order, atomic energy and space;

Jurisdiction of Lokpal to include Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.

(ii) unless a full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry and at least two-thirds of its Members approves of such inquiry:

Provided further that any such inquiry shall be held *in camera* and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone;

(b) any person who is or has been a Minister of the Union;

(c) any person who is or has been a member of either House of Parliament;

(d) any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served, in connection with the affairs of the Union;

49 of 1988.

(e) any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served in connection with the affairs of the Union subject to the provision of sub-section (1) of section 20;

49 of 1988.

(f) any person who is or has been a chairperson or member or officer or employee in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or wholly or partly financed by the Central Government or controlled by it:

Provided that in respect of such officers referred to in clause (d) who have served in connection with the affairs of the Union or in any body or Board or corporation or authority or company or society or trust or autonomous body referred to in clause (e) but are working in connection with the affairs of the State or in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, the Lokpal and the officers of its Inquiry Wing or Prosecution Wing shall have jurisdiction under this Act in respect of such officers only after obtaining the consent of the concerned State Government;

(g) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed by the Government and the annual income of which exceeds such amount as the Central Government may, by notification, specify;

(h) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify.

42 of 2010.

Explanation.—For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses:

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

49 of 1988.

(2) Notwithstanding anything contained in sub-section (1), the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any member of either House of Parliament in respect of anything said or a vote given by him in Parliament or any committee thereof covered under the provisions contained in clause (2) of article 105 of the Constitution.

(3) The Lokpal may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988 against a person referred to in sub-section (1):

49 of 1988.

Provided that no action under this section shall be taken in case of a person serving in connection with the affairs of a State, without the consent of the State Government.

60 of 1952.

(4) No matter in respect of which a complaint has been made to the Lokpal under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.

Explanation.—For the removal of doubts, it is hereby declared that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

49 of 1988.

15. In case any matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 has been pending before any court or committee of either House of Parliament or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such court, committee or authority.

Matters pending before any court or committee or authority for inquiry not to be affected.

16. (1) Subject to the provisions of this Act,—

Constitution of benches of Lokpal.

(a) the jurisdiction of the Lokpal may be exercised by benches thereof;

(b) a bench may be constituted by the Chairperson with two or more Members as the Chairperson may deem fit;

(c) every bench shall ordinarily consist of at least one Judicial Member;

(d) where a bench consists of the Chairperson, such bench shall be presided over by the Chairperson;

(e) where a bench consists of a Judicial Member, and a non-Judicial Member, not being the Chairperson, such bench shall be presided over by the Judicial Member;

(f) the benches of the Lokpal shall ordinarily sit at New Delhi and at such other places as the Lokpal may, by regulations, specify.

(2) The Lokpal shall notify the areas in relation to which each bench of the Lokpal may exercise jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson shall have the power to constitute or reconstitute benches from time to time.

(4) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such nature that it ought to be heard by a bench consisting of three or more Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such bench as the Chairperson may deem fit.

Distribution of
business
amongst
benches.

Power of
Chairperson to
transfer cases.

Decision to be
by majority.

17. Where benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokpal amongst the benches and also provide for the matters which may be dealt with by each bench.

18. On an application for transfer made by the complainant or the public servant, the Chairperson, after giving an opportunity of being heard to the complainant or the public servant, as the case may be, may transfer any case pending before one bench for disposal to any other bench.

19. If the Members of a bench consisting of an even number of Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Lokpal and such point or points shall be decided according to the opinion of the majority of the Members of the Lokpal who have heard the case, including those who first heard it.

CHAPTER VII

PROCEDURE IN RESPECT OF PRELIMINARY INQUIRY AND INVESTIGATION

Provisions
relating to
complaints
and
preliminary
inquiry and
investigation.

20. (1) The Lokpal on receipt of a complaint, if it decides to proceed further, may order—

(a) preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a *prima facie* case for proceeding in the matter; or

(b) investigation by any agency (including the Delhi Special Police Establishment) when there exists a *prima facie* case:

Provided that the Lokpal shall if it has decided to proceed with the preliminary inquiry, by a general or special order, refer the complaints or a category of complaints or a complaint received by it in respect of public servants belonging to Group A or Group B or Group C or Group D to the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003:

45 of 2003.

Provided further that the Central Vigilance Commission in respect of complaints referred to it under the first proviso, after making preliminary inquiry in respect of public servants belonging to Group A and Group B, shall submit its report to the Lokpal in accordance with the provisions contained in sub-sections (2) and (4) and in case of public servants belonging to Group C and Group D, the Commission shall proceed in accordance with the provisions of the Central Vigilance Commission Act, 2003:

45 of 2003.

Provided also that before ordering an investigation under clause (b), the Lokpal shall call for the explanation of the public servant so as to determine whether there exists a *prima facie* case for investigation:

Provided also that the seeking of explanation from the public servant before an investigation shall not interfere with the search and seizure, if any, required to be undertaken by any agency (including the Delhi Special Police Establishment) under this Act.

(2) During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency (including the Delhi Special Police Establishment) shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and the competent authority and after obtaining the comments of the concerned public servant and the competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokpal.

(3) A bench consisting of not less than three Members of the Lokpal shall consider every report received under sub-section (2) from the Inquiry Wing or any agency (including the Delhi Special Police Establishment), and after giving an opportunity of being heard to the public servant, decide whether there exists a *prima facie* case, and proceed with one or more of the following actions, namely:—

(a) investigation by any agency or the Delhi Special Police Establishment, as the case may be;

(b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;

(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46.

(4) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

(5) In case the Lokpal decides to proceed to investigate into the complaint, it shall direct any agency (including the Delhi Special Police Establishment) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order:

Provided that the Lokpal may extend the said period by a further period not exceeding of six months at a time for the reasons to be recorded in writing.

2 of 1974.

(6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Lokpal, submit the investigation report under that section to the court having jurisdiction and forward a copy thereof to the Lokpal.

(7) A bench consisting of not less than three Members of the Lokpal shall consider every report received by it under sub-section (6) from any agency (including the Delhi Special Police Establishment) and after obtaining the comments of the competent authority and the public servant may—

(a) grant sanction to its Prosecution Wing or investigating agency to file charge-sheet or direct the closure of report before the Special Court against the public servant;

(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servant.

(8) The Lokpal may, after taking a decision under sub-section (7) on the filing of the charge-sheet, direct its Prosecution Wing or any investigating agency (including the Delhi Special Police Establishment) to initiate prosecution in the Special Court in respect of the cases investigated by the agency.

(9) The Lokpal may, during the preliminary inquiry or the investigation, as the case may be, pass appropriate orders for the safe custody of the documents relevant to the preliminary inquiry or, as the case may be, investigation as it deems fit.

(10) The website of the Lokpal shall, from time to time and in such manner as may be specified by regulations, display to the public, the status of number of complaints pending before it or disposed of by it.

(11) The Lokpal may retain the original records and evidences which are likely to be required in the process of preliminary inquiry or investigation or conduct of a case by it or by the Special Court.

(12) Save as otherwise provided, the manner and procedure of conducting a preliminary inquiry or investigation (including such material and documents to be made available to the public servant) under this Act, shall be such as may be specified by regulations.

21. If, at any stage of the proceeding, the Lokpal—

(a) considers it necessary to inquire into the conduct of any person other than the accused; or

(b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry,

the Lokpal shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

Persons likely to be prejudicially affected to be heard.

Lokpal may require any public servant or any other person to furnish information, etc.

Power of Lokpal to grant sanction for initiating prosecution.

22. Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokpal or the investigating agency, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document.

23. (1) Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 6A of the Delhi Special Police Establishment Act, 1946 or section 19 of the Prevention of Corruption Act, 1988, the Lokpal shall have the power to grant sanction for prosecution under clause (a) of sub-section (7) of section 20.

2 of 1974.
25 of 1946.
49 of 1988.

(2) No prosecution under sub-section (1) shall be initiated against any public servant accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, and no court shall take cognizance of such offence except with the previous sanction of the Lokpal.

(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.

(4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of article 320 of the Constitution.

Action on investigation against public servant being Prime Minister, Ministers or Members of Parliament.

24. Where, after the conclusion of the investigation, the findings of the Lokpal disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (a) or clause (b) or clause (c) of sub-section (1) of section 14, the Lokpal may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority.

49 of 1988.

CHAPTER VIII

POWERS OF LOKPAL

Supervisory powers of Lokpal.

25. (1) The Lokpal shall, notwithstanding anything contained in section 4 of the Delhi Special Police Establishment Act, 1946 and section 8 of the Central Vigilance Commission Act, 2003, have the powers of superintendence over, and to give direction to the Delhi Special Police Establishment in respect of the matters referred by the Lokpal for preliminary inquiry or investigation to the Delhi Special Police Establishment under this Act:

25 of 1946.
45 of 2003.

Provided that while exercising powers of superintendence or giving direction under this sub-section, the Lokpal shall not exercise powers in such a manner so as to require any agency (including the Delhi Special Police Establishment) to whom the investigation has been given, to investigate and dispose of any case in a particular manner.

(2) The Central Vigilance Commission shall send a statement, at such interval as the Lokpal may direct, to the Lokpal in respect of action taken on complaints referred to it under the second proviso to sub-section (1) of section 20 and on receipt of such statement, the Lokpal may issue guidelines for effective and expeditious disposal of such cases.

(3) Any officer of the Delhi Special Police Establishment investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.

(4) The Delhi Special Police Establishment may, with the consent of the Lokpal, appoint a panel of Advocates, other than the Government Advocates, for conducting the cases referred to it by the Lokpal.

(5) The Central Government may from time to time make available such funds as may be required by the Director of the Delhi Special Police Establishment for conducting effective investigation into the matters referred to it by the Lokpal and the Director shall be responsible for the expenditure incurred in conducting such investigation.

26. (1) If the Lokpal has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, it may authorise any agency (including the Delhi Special Police Establishment) to whom the investigation has been given to search for and to seize such documents.

Search and seizure.

(2) If the Lokpal is satisfied that any document seized under sub-section (1) may be used as evidence for the purpose of any investigation under this Act and that it shall be necessary to retain the document in its custody or in the custody of such officer as may be authorised, it may so retain or direct such authorised officer to retain such document till the completion of such investigation:

Provided that where any document is required to be returned, the Lokpal or the authorised officer may return the same after retaining copies of such document duly authenticated.

27. (1) Subject to the provisions of this section, for the purpose of any preliminary inquiry, the Inquiry Wing of the Lokpal shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

Lokpal to have powers of civil court in certain cases.

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery and production of any document;

(iii) receiving evidence on affidavits;

(iv) requisitioning any public record or copy thereof from any court or office;

(v) issuing commissions for the examination of witnesses or documents:

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokpal, is not in a position to attend the proceeding before the Lokpal; and

(vi) such other matters as may be prescribed.

(2) Any proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

28. (1) The Lokpal may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any officer or organisation or investigating agency of the Central Government or any State Government, as the case may be.

Power of Lokpal to utilise services of officers of Central or State Government.

(2) For the purpose of preliminary inquiry or investigating into any matter pertaining to such inquiry or investigation, any officer or organisation or agency whose services are utilised under sub-section (1) may, subject to the superintendence and direction of the Lokpal,—

(a) summon and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office.

(3) The officer or organisation or agency whose services are utilised under sub-section (2) shall inquire or, as the case may be, investigate into any matter pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokpal within such period as may be specified by it in this behalf.

29. (1) Where the Lokpal or any officer authorised by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that—

Provisional attachment of assets.

(a) any person is in possession of any proceeds of corruption;

5 of 1908.

45 of 1860.

(b) such person is accused of having committed an offence relating to corruption; and

(c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence,

the Lokpal or the authorised officer may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokpal and the officer shall be deemed to be an officer under sub-rule (e) of rule 1 of that Schedule.

43 of 1961.

(2) The Lokpal or the officer authorised in this behalf shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may extend the order of attachment and keep such material for such period as the Court may deem fit.

(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

Explanation.—For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

Confirmation
of attachment
of assets.

30. (1) The Lokpal, when it provisionally attaches any property under sub-section (1) of section 29 shall, within a period of thirty days of such attachment, direct its Prosecution Wing to file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.

(2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.

(3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.

(4) If the public servant is subsequently convicted of the charges of corruption, the proceeds relating to the offence under the Prevention of Corruption Act, 1988 shall be confiscated and vest in the Central Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.

49 of 1988.

Explanation.—For the purposes of this sub-section, the expressions "bank", "debt" and "financial institution" shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

51 of 1993.

Confiscation of
assets,
proceeds,
receipts and
benefits arisen
or procured by
means of
corruption in
special
circumstances.

31. (1) Without prejudice to the provisions of sections 29 and 30, where the Special Court, on the basis of *prima facie* evidence, has reason to believe or is satisfied that the assets, proceeds, receipts and benefits, by whatever name called, have arisen or procured by means of corruption by the public servant, it may authorise the confiscation of such assets, proceeds, receipts and benefits till his acquittal.

(2) Where an order of confiscation made under sub-section (1) is modified or annulled by the High Court or where the public servant is acquitted by the Special Court, the assets, proceeds, receipts and benefits, confiscated under sub-section (1) shall be returned to such

public servant, and in case it is not possible for any reason to return the assets, proceeds, receipts and benefits, such public servant shall be paid the price thereof including the money so confiscated with interest at the rate of five per cent. per annum thereon calculated from the date of confiscation.

32. (1) Where the Lokpal, while making a preliminary inquiry into allegations of corruption, is *prima facie* satisfied, on the basis of evidence available,—

Power of Lokpal to recommend transfer or suspension of public servant connected with allegation of corruption.

(i) that the continuance of the public servant referred to in clause (d) or clause (e) or clause (f) of sub-section (1) of section 14 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or

(ii) such public servant is likely to destroy or in any way tamper with the evidence or influence witnesses,

then, the Lokpal may recommend to the Central Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.

(2) The Central Government shall ordinarily accept the recommendation of the Lokpal made under sub-section (1), except for the reasons to be recorded in writing in a case where it is not feasible to do so for administrative reasons.

33. The Lokpal may, in the discharge of its functions under this Act, issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record—

Power of Lokpal to give directions to prevent destruction of records during preliminary inquiry.

(a) to protect such document or record from destruction or damage; or

(b) to prevent the public servant from altering or secreting such document or record; or

(c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.

34. The Lokpal may, by general or special order in writing, and subject to such conditions and limitations as may be specified therein, direct that any administrative or financial power conferred on it may also be exercised or discharged by such of its Members or officers or employees as may be specified in the order.

Power to delegate.

CHAPTER IX

SPECIAL COURTS

35. (1) The Central Government shall constitute such number of Special Courts, as recommended by the Lokpal, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act.

49 of 1988.

Special Courts to be constituted by Central Government.

(2) The Special Courts constituted under sub-section (1) shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court:

Provided that in case the trial cannot be completed within a period of one year, the Special Court shall record reasons therefor and complete the trial within a further period of not more than three months or such further periods, not exceeding three months each, for reasons to be recorded in writing before the end of each such three months period, but not exceeding a total period of two years.

36. (1) Notwithstanding anything contained in this Act or the Code of Criminal Procedure, 1973 if, in the course of an preliminary inquiry or investigation into an offence or other proceeding under this Act, an application is made to a Special Court by an officer of the Lokpal authorised in this behalf that any evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the preliminary

Letter of request to a contracting State in certain cases.

2 of 1974.

inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or an authority in the contracting State competent to deal with such request to—

- (i) examine the facts and circumstances of the case;
 - (ii) take such steps as the Special Court may specify in such letter of request;
- and
- (iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.

(2) The letter of request shall be transmitted in such manner as the Central Government may prescribe in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be evidence collected during the course of the preliminary inquiry or investigation.

CHAPTER X

COMPLAINTS AGAINST CHAIRPERSON, MEMBERS AND OFFICIALS OF LOKPAL

Removal and suspension of Chairperson and Members of Lokpal.

37. (1) The Lokpal shall not inquire into any complaint made against the Chairperson or any Member.

(2) Subject to the provisions of sub-section (4), the Chairperson or any Member shall be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the President on a petition signed by at least one hundred Members of Parliament has, on an inquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairperson or such Member, as the case may be, ought to be removed on such ground.

(3) The President may suspend from office the Chairperson or any Member in respect of whom a reference has been made to the Supreme Court under sub-section (2), on receipt of the recommendation or interim order made by the Supreme Court in this regard until the President has passed orders on receipt of the final report of the Supreme Court on such reference.

(4) Notwithstanding anything contained in sub-section (2), the President may, by order, remove from the office, the Chairperson or any Member if the Chairperson or such Member, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) engages, during his term of office, in any paid employment outside the duties of his office; or
- (c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

(5) If the Chairperson or any Member is, or becomes, in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (2), be deemed to be guilty of misbehaviour.

49 of 1988.

38. (1) Every complaint of allegation or wrongdoing made against any officer or employee or agency (including the Delhi Special Police Establishment), under or associated with the Lokpal for an offence punishable under the Prevention of Corruption Act, 1988 shall be dealt with in accordance with the provisions of this section.

Complaints
against
officials of
Lokpal.

(2) The Lokpal shall complete the inquiry into the complaint or allegation made within a period of thirty days from the date of its receipt.

(3) While making an inquiry into the complaint against any officer or employee of the Lokpal or agency engaged or associated with the Lokpal, if it is *prima facie* satisfied on the basis of evidence available, that—

(a) continuance of such officer or employee of the Lokpal or agency engaged or associated in his post while conducting the inquiry is likely to affect such inquiry adversely; or

(b) an officer or employee of the Lokpal or agency engaged or associated is likely to destroy or in any way tamper with the evidence or influence witnesses,

then, the Lokpal may, by order, suspend such officer or employee of the Lokpal or divest such agency engaged or associated with the Lokpal of all powers and responsibilities hereto before exercised by it.

49 of 1988.

(4) On the completion of the inquiry, if the Lokpal is satisfied that there is *prima facie* evidence of the commission of an offence under the Prevention of Corruption Act, 1988 or of any wrongdoing, it shall, within a period of fifteen days of the completion of such inquiry, order to prosecute such officer or employee of the Lokpal or such officer, employee, agency engaged or associated with the Lokpal and initiate disciplinary proceedings against the official concerned:

Provided that no such order shall be passed without giving such officer or employee of the Lokpal, such officer, employee, agency engaged or associated, a reasonable opportunity of being heard.

CHAPTER XI

ASSESSMENT OF LOSS AND RECOVERY THEREOF BY SPECIAL COURT

49 of 1988.

39. If any public servant is convicted of an offence under the Prevention of Corruption Act, 1988 by the Special Court, notwithstanding and without prejudice to any law for the time being in force, it may make an assessment of loss, if any, caused to the public exchequer on account of the actions or decisions of such public servant not taken in good faith and for which he stands convicted, and may order recovery of such loss, if possible or quantifiable, from such public servant so convicted:

Assessment
of loss and
recovery
thereof by
Special Court.

Provided that if the Special Court, for reasons to be recorded in writing, comes to the conclusion that the loss caused was pursuant to a conspiracy with the beneficiary or beneficiaries of actions or decisions of the public servant so convicted, then such loss may, if assessed and quantifiable under this section, also be recovered from such beneficiary or beneficiaries proportionately.

CHAPTER XII

FINANCE, ACCOUNTS AND AUDIT

40. The Lokpal shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal and forward the same to the Central Government for information.

Budget.

41. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Lokpal grants of such sums of money as are required to be paid for the salaries and allowances payable to the Chairperson and Members and the administrative expenses, including the salaries and allowances and pension payable to or in respect of officers and other employees of the Lokpal.

Grants by
Central
Government.

Annual
statement of
accounts.

42: (1) The Lokpal shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Lokpal shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Lokpal under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Lokpal.

(4) The accounts of the Lokpal, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

Furnishing of
returns, etc.,
to Central
Government.

43. The Lokpal shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may request, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Lokpal, as the Central Government may, from time to time, require.

CHAPTER XIII

DECLARATION OF ASSETS

Declaration of
assets.

44. (1) Every public servant shall make a declaration of his assets and liabilities in the manner as provided by or under this Act.

(2) A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—

(a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;

(b) his liabilities and that of his spouse and his dependent children.

(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in sub-section (2), to the competent authority within thirty days of the coming into force of this Act.

(4) Every public servant shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31st March of that year.

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.

(6) The competent authority in respect of each Ministry or Department shall ensure that all such statements are published on the website of such Ministry or Department by 31st August of that year.

Explanation.—For the purposes of this section, "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.

45. If any public servant wilfully or for reasons which are not justifiable, fails to—

(a) to declare his assets; or

(b) gives misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished,

then, such assets shall, unless otherwise proved, be presumed to belong to the public servant and shall be presumed to be assets acquired by corrupt means:

Presumption as to acquisition of assets by corrupt means in certain cases.

Provided that the competent authority may condone or exempt the public servant from furnishing information in respect of assets not exceeding such minimum value as may be prescribed.

CHAPTER XIV

OFFENCES AND PENALTIES

46. (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

Prosecution for false complaint and payment of compensation, etc., to public servant.

(2) No Court, except a Special Court, shall take cognizance of an offence under sub-section (1).

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made or by an officer authorised by the Lokpal.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the Central Government.

(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

(6) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.—For the purpose of this sub-section, the expression “good faith” means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under section 79 of the Indian Penal Code.

45 of 1860.

47. (1) Where any offence under sub-section (1) of section 46 has been committed by any society or association of persons or trust (whether registered or not), every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the society or association of persons or trust, for the conduct of the business or affairs or activities of the society or association of persons or trust as well as such society or association of persons or trust shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

False complaint made by society or association of persons or trust.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a society or association of persons or trust (whether registered or not) and it is proved that the offence has been committed with the consent or

connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of such society or association of persons or trust, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER XV

MISCELLANEOUS

Reports of
Lokpal:

48. It shall be the duty of the Lokpal to present annually to the President a report on the work done by the Lokpal and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, in respect of the cases, if any, where the advice of the Lokpal was not accepted, the reason for such non-acceptance to be laid before each House of Parliament.

Lokpal to
function as
appellate
authority for
appeals
arising out of
any other law
for the time
being in
force.

49. The Lokpal shall function as the final appellate authority in respect of appeals arising out of any other law for the time being in force providing for delivery of public services and redressal of public grievances by any public authority in cases where the decision contains findings of corruption under the Prevention of Corruption Act, 1988.

49 of 1988.

Protection of
action taken
in good faith
by any public
servant.

50. No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.

Protection of
action taken
in good faith
by others.

51. No suit, prosecution or other legal proceedings shall lie against the Lokpal or against any officer, employee, agency or any person, in respect of anything which is done in good faith or intended to be done under this Act or the rules or the regulations made thereunder.

Members,
officers and
employees of
Lokpal to be
public
servants.

52. The Chairperson, Members, officers and other employees of the Lokpal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Limitation to
apply in
certain cases.

53. The Lokpal shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.

Bar of
Jurisdiction.

54. No civil court shall have jurisdiction in respect of any matter which the Lokpal is empowered by or under this Act to determine.

Legal
assistance.

55. The Lokpal shall provide to every person against whom a complaint has been made, before it, under this Act, legal assistance to defend his case before the Lokpal, if such assistance is requested for.

Act to have
overriding
effect.

56. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Provisions of
this Act to be
in addition of
other laws.

57. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

58. The enactments specified in the Schedule shall be amended in the manner specified therein.

Amendment
of certain
enactments.

59. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to
make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of complaint referred to in clause (e) of sub-section (1) of section 2;

(b) the term of the Search Committee, the fee and allowances payable to its members and the manner of selection of panel of names under sub-section (5) of section 4;

(c) the post or posts in respect of which the appointment shall be made after consultation with the Union Public Service Commission under the proviso to sub-section (3) of section 10;

(d) other matters for which the Lokpal shall have the powers of a civil court under clause (vi) of sub-section (1) of section 27;

(e) the manner of sending the order of attachment along with the material to the Special Court under sub-section (2) of section 29;

(f) the manner of transmitting the letter of request under sub-section (2) of section 36;

(g) the form and the time for preparing in each financial year the budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal under section 40;

(h) the form for maintaining the accounts and other relevant records and the form of annual statement of accounts under sub-section (1) of section 42;

(i) the form and manner and the time for preparing the returns and statements along with particulars under section 43;

(j) the form and the time for preparing an annual return giving a summary of its activities during the previous year under sub-section (5) of section 44;

(k) the form of annual return to be filed by a public servant under sub-section (5) of section 44;

(l) the minimum value for which the competent authority may condone or exempt a public servant from furnishing information in respect of assets under the proviso to section 45;

(m) any other matter which is to be or may be prescribed.

60. (1) Subject to the provisions of this Act and the rules made thereunder, the Lokpal may, by notification in the Official Gazette, make regulations to carry out the provisions of this Act.

Power of
Lokpal to
make
regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the conditions of service of the secretary and other officers and staff of the Lokpal and the matters which in so far as they relate to salaries, allowances, leave or pensions, require the approval of the President under sub-section (4) of section 10;

(b) the place of sittings of benches of the Lokpal under clause (f) of sub-section (1) of section 16;

(c) the manner for displaying on the website of the Lokpal, the status of all complaints pending or disposed of along with records and evidence with reference thereto under sub-section (10) of section 20;

(d) the manner and procedure of conducting preliminary inquiry or investigation under sub-section (11) of section 20;

(e) any other matter which is required to be, or may be, specified under this Act.

Laying of
rules and
regulations.

61. Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficulties.

62. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

PART III

ESTABLISHMENT OF THE LOKAYUKTA

Establishment
of Lokayukta.

63. Every State shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act.

THE SCHEDULE

[See section 58]

AMENDMENT TO CERTAIN ENACTMENTS

PART I

AMENDMENT TO THE COMMISSIONS OF INQUIRY ACT, 1952

(60 OF 1952)

In section 3, in sub-section (1), for the words "The appropriate Government may", the words and figures "Save as otherwise provided in the Lokpal and Lokayuktas Act, 2013, the appropriate Government may" shall be substituted.

Amendment
of section 3.

PART II

AMENDMENTS TO THE DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946

(25 OF 1946)

1. In section 4A,—

Amendment
of section 4A.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government shall appoint the Director on the recommendation of the Committee consisting of—

(a) the Prime Minister — Chairperson;

(b) the Leader of Opposition in the House of the People — Member;

(c) the Chief Justice of India or Judge of the Supreme Court nominated by him — Member.";

(ii) sub-section (2) shall be omitted.

2. After section 4B, the following section shall be inserted, namely:—

Insertion of
new section
4BA.

"4BA. (1) There shall be a Directorate of Prosecution headed by a Director who shall be an officer not below the rank of Joint Secretary to the Government of India, for conducting prosecution of cases under this Act.

Director of
Prosecution.

(2) The Director of Prosecution shall function under the overall supervision and control of the Director.

(3) The Central Government shall appoint the Director of Prosecution on the recommendation of the Central Vigilance Commission.

(4) The Director of Prosecution shall notwithstanding anything to the contrary contained in the rules relating to his conditions of service, continue to hold office for a period of not less than two years from the date on which he assumes office."

3. In section 4C, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment
of section 4C.

"(1) The Central Government shall appoint officers to the posts of the level of Superintendent of Police and above except Director, and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment, on the recommendation of a committee consisting of:—

(a) the Central Vigilance Commissioner — Chairperson;

(b) Vigilance Commissioners — Members;

(c) Secretary to the Government of India in charge of the Ministry of Home — Member;

(d) Secretary to the Government of India in charge of the Department of Personnel — Member:

Provided that the Committee shall consult the Director before submitting its recommendation to the Central Government."

PART III

AMENDMENTS TO THE PREVENTION OF CORRUPTION ACT, 1988

(49 OF 1988)

Amendment
of sections 7,
8, 9 and 12.

1. In sections 7, 8, 9 and section 12,—

(a) for the words "six months", the words "three years" shall respectively be substituted;

(b) for the words "five years", the words "seven years" shall respectively be substituted.

Amendment
of section 13.

2. In section 13, in sub-section (2),—

(a) for the words "one year", the words "four years" shall be substituted;

(b) for the words "seven years", the words "ten years" shall be substituted.

Amendment
of section 14.

3. In section 14,—

(a) for the words "two years", the words "five years" shall be substituted;

(b) for the words "seven years", the words "ten years" shall be substituted.

Amendment
of section 15.

4. In section 15, for the words "which may extend to three years", the words "which shall not be less than two years but which may extend to five years" shall be substituted.

Amendment
of section 19.

5. In section 19, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal and Lokayuktas Act, 2013" shall be inserted.

PART IV

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

(2 OF 1974)

Amendment
of section
197.

In section 197, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal and Lokayuktas Act, 2013" shall be inserted.

PART V

AMENDMENTS TO THE CENTRAL VIGILANCE COMMISSION ACT, 2003

(45 OF 2003)

Amendment
of section 2.

1. In section 2, after clause (d), the following clause shall be inserted, namely:—

'(da) "Lokpal" means the Lokpal established under sub-section (1) of section 3 of the Lokpal and Lokayuktas Act, 2013;'

Amendment
of section 8.

2. In section 8, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

"(c) on a reference made by the Lokpal under proviso to sub-section (1) of section 20 of the Lokpal and Lokayuktas Act, 2013, the persons referred to in clause (d) of sub-section (1) shall also include—

(i) members of Group B, Group C and Group D services of the Central Government;

(ii) such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf.

Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred in clause (d) of sub-section (1)."

3. After section 8, the following sections shall be inserted, namely:—

Insertion of
new sections
8A and 8B.

"8A. (1) Where, after the conclusion of the preliminary inquiry relating to corruption of public servants belonging to Group C and Group D officials of the Central Government, the findings of the Commission disclose, after giving an opportunity of being heard to the public servant, a *prima facie* violation of conduct rules relating to corruption under the Prevention of Corruption Act, 1988 by such public servant, the Commission shall proceed with one or more of the following actions, namely:—

Action on
preliminary
inquiry in
relation to
public
servants.

49 of 1988.

(a) cause an investigation by any agency or the Delhi Special Police Establishment, as the case may be;

(b) initiation of the disciplinary proceedings or any other appropriate action against the concerned public servant by the competent authority;

(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46 of the Lokpal and Lokayuktas Act, 2013.

(2) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

8B. (1) In case the Commission decides to proceed to investigate into the complaint under clause (a) of sub-section (1) of section 8A, it shall direct any agency (including the Delhi Special Police Establishment) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order and submit the investigation report containing its findings to the Commission:

Action on
investigation
in relation to
public
servants.

Provided that the Commission may extend the said period by a further period of six months for the reasons to be recorded in writing.

(2) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Commission, submit the investigation report to the Commission.

2 of 1974.

(3) The Commission shall consider every report received by it under sub-section (2) from any agency (including the Delhi Special Police Establishment) and may decide as to—

(a) file charge-sheet or closure report before the Special Court against the public servant;

(b) initiate the departmental proceedings or any other appropriate action against the concerned public servant by the competent authority."

4. After section 11, the following section shall be inserted, namely:—

Insertion of
new section
11A.

"11A. (1) There shall be a Director of Inquiry, not below the rank of Joint Secretary to the Government of India, who shall be appointed by the Central Government for conducting preliminary inquiries referred to the Commission by the Lokpal.

Director of
Inquiry for
making
preliminary
inquiry.

(2) The Central Government shall provide the Director of Inquiry such officers and employees as may be required for the discharge of his functions under this Act."

Sd/-
P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-
ARVIND AGARWAL
Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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FRIDAY, JUNE 6, 2014/JYAISTHA 16, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 6th June, 2014.

No. RPB/56-2014/Act-8-14/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 5th March, 2014, Falgun 14, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 4th March, 2014 is hereby published for general information :-

THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT ACT, 2014

AN ACT

further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982

BE it enacted by Parliament in the Sixty-Fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Governors (Emoluments, Allowances and Privileges) Amendment Act, 2014.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1982.

2. In section 2 of the Governors (Emoluments, Allowances and Privileges) Act, 1982 (hereinafter referred to as the Principal Act), for clause (a) the following clauses shall be substituted, namely :-

Amendment
of section 2.

(a) "ex-Governor" means a person who has been the Governor of a State or two more States;

(aa) "Governor" means the Governor, or any person discharging the functions of the Governor, of any State or of two or more States;.

Insertion of
new section
12A.

3. After section 12 of the principal Act, the following section shall be inserted, namely:-

Entitlement of
ex-Governor
to secretarial
assistance

"12A. Subject to any rules made in this behalf, the ex-Governor shall, for the remainder of this life, be entitled to secretarial assistance of one Personal Assistant on reimbursement basis :

Provided that where such ex-Governor is re-appointed to the office of the Governor or elected to Parliament or the State Legislature or appointed to any office of profit under the Union or a State Government, he shall not be entitled for such secretarial assistance for the period during which he holds such office."

Amendment
of section 13.

4. In section 13 of the principal Act, in sub-section (2), after clause (g), the following clause shall be inserted, namely :-

"(h) the manner of providing secretarial assistance and reimbursement under section 12A."

Sd/-

P. K. MALHOTRA,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,

Principal Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 6th June, 2014.

No. RPB/56-2014/Act-9-14/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 5th March, 2014, Falgun 14, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 4th March, 2014 is hereby published for general information :-

THE NATIONAL INSTITUTES OF TECHNOLOGY, SCIENCE EDUCATION AND RESEARCH (AMENDMENT) ACT, 2014

AN ACT

further to amend the National Institutes of Technology, Science Education and Research Act, 2007

BE it enacted by Parliament in the Sixty-Fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the National Institutes of Technology, Science Education and Research Act, 2007 (hereinafter referred to as the Principal Act), for the words "the First Schedule and the Second Schedule", the words "the First Schedule, the Second Schedule and the Third Schedule" shall be substituted.

Amendment of section 2.

Amendment
of section 3.

3. In section 3 of the principal Act,—

(i) in clause (c), for the words “the First Schedule and the Second Schedule” at both the places where they occur, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted;

(ii) in clause (d), the words, brackets, figures and letter “or sub-section (I) of section 30A” shall be omitted;

(iii) in clauses (g), (k) and (m), for the words “the First Schedule and the Second Schedule” wherever they occur, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted.

Amendment
of section 4.

4. In section 4 of the principal Act,—

(a) in sub-section (I), for the words “the First Schedule and the Second Schedule”, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted;

(b) after sub-section (I), the following sub-section shall be inserted, namely:—

“(1A) The Bengal Engineering and Science University, Shibpur shall be deemed to have been incorporated under this Act, and on such incorporation, be called the Indian Institute of Engineering Science and Technology, Shibpur.”.

Insertion of
new section
5A.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Effect of
incorporation
of Bengal
Engineering
and Science
University,
Shibpur.

“5A. On and from the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014—

(a) any reference to the Bengal Engineering and Science University, Shibpur in any law, contract or other instrument shall be deemed as a reference to the Indian Institute of Engineering Science and Technology, Shibpur;

(b) all property, movable and immovable, of or belonging to the Bengal Engineering and Science University, Shibpur, shall vest in the Indian Institute of Engineering Science and Technology, Shibpur;

(c) all the rights and liabilities of the Bengal Engineering and Science University, Shibpur shall be the rights and liabilities of the Indian Institute of Engineering Science and Technology, Shibpur;

(d) every person (including Director, officers and other employees) who is employed in the Bengal Engineering and Science University, Shibpur, immediately before the date of commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014, shall, on and after such commencement, become an employee of the Indian Institute of Engineering Science and Technology, Shibpur and shall hold his office or service by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014, as if the said Act had not been brought into force and shall continue to do so until his employment is terminated or until such tenure, remuneration, terms and conditions are altered by the Statutes or Ordinances:

Provided that the tenure, remuneration, terms and conditions of service of such person shall not be altered to his disadvantage without the previous approval of the Central Government:

Provided further that any reference to the Chancellor and the Vice-Chancellor of the Bengal Engineering and Science University, Shibpur in

any law, instrument or other document made before the commencement of the said Act, shall be construed as a reference to the Visitor and the Director, respectively, of the Indian Institute of Engineering Science and Technology, Shibpur;

(e) Vice-Chancellor of the Bengal Engineering and Science University, Shibpur shall be the Director of the Indian Institute of Engineering Science and Technology, Shibpur till such date the Central Government appoints new Director for the Indian Institute of Engineering Science and Technology, Shibpur;

(f) any examination conducted by the Bengal Engineering and Science University, Shibpur immediately before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014 for admission or award of degrees shall be valid examination and shall be deemed to have been conducted by the Indian Institute of Engineering Science and Technology, Shibpur."

6. In section 11A of the principal Act,—

Amendment of section 11A.

(a) in the marginal heading, for the words "Second Schedule", the words "Second Schedule and Third Schedule" shall be substituted;

(b) in the opening portion, for the words "the Second Schedule", the words "the Second Schedule and the Third Schedule" shall be substituted.

7. In section 30 of the principal Act, in sub-section (1), after the words "the First Schedule", the words "the Second Schedule and the Third Schedule" shall be inserted.

Amendment of section 30.

8. Section 30A of the principal Act shall be omitted.

Omission of section 30A.

9. In section 31 of the principal Act, in sub-section (2), the words, brackets, letters and figures "and clause (j) of sub-section (2) of section 30A" shall be omitted.

Amendment of section 31.

10. In section 37 of the principal Act, after clause (d), the following clauses shall be inserted, namely:—

Amendment of section 37.

"(e) the court, the Academic Council and the Executive Council of the Bengal Engineering and Science University, Shibpur performing functions as such immediately before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014 shall continue to function until a Board is constituted for the Indian Institute of Engineering Science and Technology, Shibpur under this Act, but on and after the constitution of a Board under this Act, the members of the court, the Academic Council and the Executive Council, shall cease to hold office;

(f) the authorities of the Bengal Engineering and Science University, Shibpur, by whatever names so called, performing functions as such immediately before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014 shall continue to function until a new Authority is appointed or constituted for performing the same functions under the said Act, but on and after such appointment or constitution, the authorities performing the functions under the Bengal Engineering and Science University, Shibpur Act, 2004 or any Statutes or Ordinances made thereunder shall cease to hold office;

(g) every Senate or any other authorities in the names so called constituted in relation to every Institute before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014 shall be deemed to be the Senate constituted under the said Act until a new Senate is constituted under this Act for that Institute, but on the constitution of a new Senate under this Act, the members of the Senate holding office before such constitution shall cease to hold office;

(h) until the first Statutes and the Ordinances are made and brought in force under the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014, the Statutes, Ordinances and rules made for the

Bengal Engineering and Science University, Shibpur immediately before the commencement of the said Act shall continue to apply to the Indian Institute of Engineering Science and Technology, Shibpur in so far as they are not inconsistent with the provisions of the said Act.”.

Power to
remove
difficulties.

11. (1) If any difficulty arises in giving effect to the provisions of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2014, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Amendment of
Schedule.

12. After the Second Schedule of the principal Act, the following Schedule shall be inserted, namely:—

“THE THIRD SCHEDULE

[See sections 3(g),(k), (m), 4(1) and 11A]

LIST OF INDIAN INSTITUTES OF ENGINEERING SCIENCE AND TECHNOLOGY

Sl. No.	University or Society	Corresponding Institute
(1)	(2)	(3)
	Bengal Engineering and Science University, Shibpur.	Indian Institute of Engineering Science and Technology, Shibpur.”.

Repeal and
savings.

13. (1) The Bengal Engineering and Science University, Shibpur Act, 2004 is hereby repealed.

13 of 2004.

(2) The provisions of the General Clauses Act, 1897 shall apply to the repeal of the said Act as if the Act referred to in sub-section (1) were a Central Act.

10 of 1897.

(3) Notwithstanding such repeal, anything done or any action taken under the repealed Act, shall be deemed to have been done or taken under the corresponding provisions of that Act, as amended by this Act.

Sd/-

P. K. MALHOTRA,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,

Principal Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 6th June, 2014.

No. RPB/56-2014/Act-11-14/E.- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 5th March, 2014, Falgun 14, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 4th March, 2014 is hereby published for general information :-

THE FINANCE ACT, 2014

AN ACT

to continue the existing rates of income-tax for the financial year 2014-2015.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 1.(1) This Act may be called the Finance Act, 2014.
- (2) Section 2 shall come into force on the 1st day of April, 2014.

Short title and
commencement

CHAPTER II

RATES OF INCOME-TAX

2. The provisions of section 2 of, and the First Schedule to, the Finance Act, 2013, shall apply in relation to income-tax for the assessment year or, as the case may be, the financial year commencing on the 1st day of April, 2014, as they apply in relation to income-tax for the assessment year or, as the case may be, the financial year commencing on the 1st day of April, 2013, with the following modifications, namely :-

Income-tax

(a) in section 2,-

(i) in sub-section (1), for the figures "2013", the figures "2014" shall be substituted;

(ii) in sub-section (3), for the first, second and third provisos, the following provisos shall be substituted, namely:—

“Provided that the amount of income-tax computed in accordance with the provisions of section 111A or section 112 shall be increased by a surcharge, for purposes of the Union, as provided in Paragraphs A, B, C, D or Paragraph E of Part I of the First Schedule:

Provided further that in respect of any income chargeable to tax under sections 115A, 115AB, 115AC, 115ACA, 115AD, 115B, 115BB, 115BBA, 115BBC, 115BBD, 115BBE, 115E, 115JB or section 115JC of the Income-tax Act, the amount of income-tax computed under this sub-section shall be increased by a surcharge, for purposes of the Union, calculated,—

(A) in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, or co-operative society or firm or local authority, at the rate of ten per cent. of such income-tax, where the total income exceeds one crore rupees;

(B) in the case of every domestic company,—

(i) at the rate of five per cent. of such income-tax, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of ten per cent. of such income-tax, where the total income exceeds ten crore rupees;

(C) in the case of every company, other than a domestic company,—

(i) at the rate of two per cent. of such income-tax, where the total income exceeds one crore rupees but does not exceed ten crore rupees;

(ii) at the rate of five per cent. of such income-tax, where the total income exceeds ten crore rupees:

Provided also that in the case of persons mentioned in item (A) of second proviso, having total income chargeable to tax under section 115JC of the Income-tax Act, and such income exceeds one crore rupees, the total amount payable as income-tax on such income and surcharge thereon shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds one crore rupees but does not exceed ten crore rupees, the total amount payable as income-tax on such income and surcharge thereon, shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided also that in the case of every company having total income chargeable to tax under section 115JB of the Income-tax Act, and such income exceeds ten crore rupees, the total amount payable as income-tax on such income and surcharge thereon, shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.”;

(iii) in sub-section (13), in clause (a), for the figures “2013”, the figures “2014” shall be substituted;

(b) in the First Schedule,—

(i) for Part I, the following Part I shall be substituted, namely:—

"PART I

INCOME-TAX

Paragraph A

(I) In the case of every individual other than the individual referred to in items (II) and (III) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed | Nil; |
| Rs. 2,00,000 | |
| (2) where the total income exceeds | 10 per cent. of the amount by which the total |
| Rs. 2,00,000 but does not exceed | income exceeds Rs. 2,00,000; |
| Rs. 5,00,000 | |
| (3) where the total income exceeds | Rs. 30,000 plus 20 per cent. of the amount by |
| Rs. 5,00,000 but does not exceed | which the total income exceeds Rs. 5,00,000; |
| Rs. 10,00,000 | |
| (4) where the total income exceeds | Rs. 1,30,000 plus 30 per cent. of the amount |
| Rs. 10,00,000 | by which the total income exceeds |
| | Rs. 10,00,000. |

(II) In the case of every individual, being a resident in India, who is of the age of sixty years or more but less than eighty years at any time during the previous year,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed | Nil; |
| Rs. 2,50,000 | |
| (2) where the total income exceeds | 10 per cent. of the amount by which the total |
| Rs. 2,50,000 but does not exceed | income exceeds Rs. 2,50,000; |
| Rs. 5,00,000 | |
| (3) where the total income exceeds | Rs. 25,000 plus 20 per cent. of the amount by |
| Rs. 5,00,000 but does not exceed | which the total income exceeds Rs. 5,00,000; |
| Rs. 10,00,000 | |
| (4) where the total income exceeds | Rs. 1,25,000 plus 30 per cent. of the amount |
| Rs. 10,00,000 | by which the total income exceeds |
| | Rs. 10,00,000. |

(III) In the case of every individual, being a resident in India, who is of the age of eighty years or more at any time during the previous year,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed | Nil; |
| Rs. 5,00,000 | |
| (2) where the total income exceeds | 20 per cent. of the amount by which the total |
| Rs. 5,00,000 but does not | income exceeds Rs. 5,00,000; |
| exceed Rs. 10,00,000 | |
| (3) where the total income exceeds | Rs. 1,00,000 plus 30 per cent. of the amount by |
| Rs. 10,00,000 | which the total income exceeds Rs. 10,00,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112, shall, in the case of every individual or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of persons mentioned in this Paragraph, having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- (1) where the total income does not exceed Rs.10,000 10 per cent. of the total income;
- (2) where the total income exceeds Rs.10,000 but does not exceed Rs. 20,000 Rs. 1,000 plus 20 per cent. of the amount by which the total income exceeds Rs.10,000;
- (3) where the total income exceeds Rs. 20,000 Rs. 3,000 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112, shall, in the case of every co-operative society, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every co-operative society mentioned in this Paragraph, having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112, shall, in the case of every firm, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every firm mentioned in this Paragraph, having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112, shall, in the case of every local authority, having a total income exceeding one crore rupees, be increased by a surcharge for the purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every local authority mentioned in this Paragraph, having total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 30 per cent. of the total income;

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of,—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government 50 per cent.;

(ii) on the balance, if any, of the total income 40 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or the provisions of section 111A or section 112, shall, be increased by a surcharge for the purposes of the Union calculated,—

(i) in the case of every domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of five per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of ten per cent. of such income-tax;

(ii) in the case of every company other than a domestic company,—

(a) having a total income exceeding one crore rupees but not exceeding ten crore rupees, at the rate of two per cent. of such income-tax; and

(b) having a total income exceeding ten crore rupees, at the rate of five per cent. of such income-tax:

Provided that in the case of every company having a total income exceeding one crore rupees but not exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees:

Provided further that in the case of every company having a total income exceeding ten crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax and surcharge on a total income of ten crore rupees by more than the amount of income that exceeds ten crore rupees.”;

(ii) in Part IV, in Rule 8,—

(4) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

“(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2014, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2010,

to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2011, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2012 or the 1st day of April, 2013,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2012, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2013,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2013,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2014.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2015, or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014, is a loss, then, for the purposes of sub-section (10) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009 or the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2010 or the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2010, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2011 or the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2011, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2012 or the 1st day of April, 2013 or the 1st day of April, 2014,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2012, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2013 or the 1st day of April, 2014,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2013, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2014,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2014,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2015.”;

(B) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 2006 (21 of 2006), or of the First Schedule to the Finance Act, 2007 (22 of 2007), or of the First Schedule to the Finance Act, 2008 (18 of 2008), or of the First Schedule to the Finance (No. 2) Act, 2009 (33 of 2009), or of the First Schedule to the Finance Act, 2010 (14 of 2010), or of the First Schedule to the Finance Act, 2011 (8 of 2011), or of the First Schedule to the Finance Act, 2012 (23 of 2012), or of the First Schedule to the Finance Act, 2013 (17 of 2013) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).”.

Sd/-

P. K. MALHOTRA,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARVAL,

Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, Dated the 6th June, 2014.

No. RPB/56-2014/Act-10-14/E .-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 5th March, 2014, Falgun 14, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 4th March, 2014 is hereby published for general information :-

THE RANI LAKSHMI BAI CENTRAL AGRICULTURAL

UNIVERSITY ACT, 2014

AN ACT

to provide for the establishment and incorporation of a University in the Bundelkhand region for the development of agriculture and for the furtherance of the advancement of learning and pursuit of research in agriculture and allied sciences and declare it to be an institution of national importance.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1.(1) This Act may be called the Rani Lakshmi Bai Central Agricultural University Act, 2014.

Short title
and comme-
ncement

(2) It shall come into force on such date as the Central Government may, by notification in the Official gazette, appoint.

2. Whereas the objects of the institution known as the Rani Lakshmi Bai Central Agricultural University are such as to make the institution one of national importance, it is hereby declared that the institution known as the Rani Lakshmi Bai Central Agricultural University is an institution of national importance.

Declaration of
Rani Lakshmi
Bai Central
Agricultural
University as an
institution of
national
importance.
Definitions

3. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,-

(a) "Academic Council" means the Academic Council of the University;

(b) "Academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "agriculture" means the basic and applied sciences of the soil and water management, crop production including production of all garden crops, control of plants, pests and diseases, horticulture including floriculture, animal husbandry including veterinary and dairy science, fisheries, forestry including farm forestry, home-science, agricultural engineering and technology, marketing and processing of agricultural and animal husbandry products, land use and management;

(d) "Board" means the Board of Management of the University;

(e) "Board of Studies" means the Board of Studies of the University;

(f) "Bundelkhand" means the area covering six districts, namely Chhatarpur, Damoh, Datia, Panna, Sagar and Tikamgarh of Madhya Pradesh and seven districts, namely Banda, Chitrakoot, Hamirpur, Jalaun, Jhansi, Lalitpur and Mahoba of Uttar Pradesh;

(g) "Chancellor" means the Chancellor of the University;

(h) "college" means a constituent college of the University whether located at the headquarters, campus or elsewhere;

(i) "Department" means a Department of Studies of the University;

(j) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(k) "extension education" means the educational activities concerned with the training of orchardists, farmers and other groups serving agriculture, horticulture, fisheries and improved practices related thereto and the various phases of scientific technology related to agriculture and agricultural production including post harvest technology and marketing;

(l) "Faculty" means Faculty of the University;

(m) "Ordinances" means the Ordinances of the University;

(n) "Regulations" means the Regulations made by any authority of the University;

(o) "Research Advisory Committee" means the Research Advisory Committee of the University;

(p) "Statutes" means the Statutes of the University;

(q) "Student" means a person enrolled in the University for undergoing a course of studies for obtaining a degree, diploma or other academic distinction duly instituted;

(r) "teachers" means Professors, Associate Professors, Assistant Professors, Teaching Faculty Members and their equivalent appointed for imparting instruction or conducting research or extension education programmes or combination of these in the University, college or any institute maintained by the University and designated as teachers by the Ordinances;

(s) "University" means the Rani Lakshmi Bai Central Agricultural University established under this Act;

(t) "Vice-Chancellor" means the Vice-Chancellor of the University;

(u) "Visitor" means the Visitor of the University.

4. (1) There shall be established a University by the name of the "Rani Lakshmi Bai Central Agricultural University".

(2) The headquarters of the University shall be at Jhansi in the State of Uttar Pradesh and it may also establish campuses at such other places within its jurisdiction as it may deem fit.

Provided that the University shall establish two colleges in the State of Madhya Pradesh and two colleges at Jhansi in the State of Uttar Pradesh in the Bundelkhand Region.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Board, the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of the Rani Lakshmi Bai Central Agricultural University.

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

5. The objects of the University shall be—

Objects of the University.

(a) to impart education in different branches of agriculture and allied sciences as it may deem fit;

(b) to further the advancement of learning and conducting of research in agricultural and allied sciences;

(c) to undertake programmes of extension education in Bundelkhand in the districts of the States under its jurisdiction;

(d) to promote partnership and linkages with national and international educational institutions; and

(e) to undertake such other activities as it may, from time to time, determine.

6. The University shall have the following powers, namely:—

Powers of the University.

(i) to make provisions for instructions in agriculture and allied sciences;

(ii) to make provisions for conduct of research in agriculture and allied branches of learning;

(iii) to make provisions for dissemination of the findings of research and technical information through extension programmes;

(iv) to grant, subject to such conditions as it may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinction for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(vi) to provide lectures and instructions for field workers, village leaders and other persons not enrolled as regular students of the University and to grant certificates to them as may be prescribed by the Statutes;

(vii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purpose as the University may determine;

(viii) to establish and maintain colleges relating to agriculture, horticulture, fisheries, forestry, veterinary and animal science, dairying, home-science and allied sciences, as necessary;

(ix) to establish and maintain such campuses, special centres, specialised laboratories, libraries, museums or other units for research and institution as are, in its opinion, necessary for the furtherance of its objects;

(x) to create teaching, research and extension education posts and to make appointments thereto;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiii) to determine standards of admission to the University which may include examination, evaluation or any other method of testing;

(xiv) to provide and maintain residential accommodation for students and employees;

(xv) to supervise the residential accommodation of the students and employees of the University and to make arrangements for promoting their health and general welfare;

(xvi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xvii) to regulate and enforce discipline among the students and the employees and to take such disciplinary measures in this regard as it may deem necessary;

(xviii) to fix, demand and receive such fees and other charges as may be prescribed by the Statutes;

(xix) to borrow, with the approval of the Central Government on the security of its property, money for the purpose of the University;

(xx) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties, for its purposes;

(xxi) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Jurisdiction.

7. (1) The jurisdiction and responsibility of the University with respect to teaching, research and programmes of extension education at the University level, in the field of agriculture shall extend to whole country and priority shall be laid on the issues related to Bundelkhand region.

(2) All colleges, research and experimental stations or other institutions to be established under the authority of the University shall come in as constituent units under the full management and control of the officers and authorities and no such units shall be recognised as affiliated units.

(3) The University may assume responsibility for the training of field extension workers and others and may develop such training centres as may be required in various parts of Bundelkhand under its jurisdiction.

University open to all classes, castes and creed.

8. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens.

The Visitor.

9. (1) The President of India shall be the Visitor of the University.

(2) Subject to the provisions of sub-sections (3) and (4), the Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the

University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institution or college and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(3) The Visitor shall, in every case, give notice to the University of his intention to cause, an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Visitor may determine, such representations to him as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where an inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(6) The Visitor may address the Vice-Chancellor with reference to the results of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Visitor may be pleased to offer and on receipt of the address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Board, the results of the inspection or inquiry and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(7) The Board shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(8) Where the Board does not, within reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Board, issue such directions as he may think fit and the Board shall be bound to comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Visitor may, by an order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time, he shall consider the same.

(10) The Visitor shall have such other powers as may be prescribed by the Statutes.

10. The following shall be the officers of the University, namely:—

Officers of the University.

(1) the Chancellor;

(2) the Vice-Chancellor;

(3) the Deans;

(4) the Directors;

(5) the Registrar;

(6) the Comptroller;

(7) the University Librarian; and

(8) such other officers as may be prescribed by the Statutes.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Chancellor.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

(3) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board within three months from the date on which decision on such action is communicated to him and thereupon the Board may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Deans and Directors.

13. Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Registrar.

14. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Comptroller.

15. The Comptroller shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other officers.

16. The manner of appointment and powers and duties of the other officers of the University shall be as prescribed by the Statutes.

Authorities of the University.

17. The following shall be the authorities of the University, namely:—

- (1) the Board of Management;
- (2) the Academic Council;
- (3) the Research Council;
- (4) the Extension Education Council;
- (5) the Finance Committee;
- (6) the Faculties and Board of Studies; and
- (7) such other authorities as may be prescribed by the Statutes.

18. (1) The Board of Management shall be the principal executive body of the University.
(2) The constitution of the Board, the term of office of its members and its powers and functions shall be prescribed by the Statutes. The Board of Management.
19. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes. The Academic Council.
- (2) The constitution of the Academic Council and the term of office of its members shall be prescribed by the Statutes.
20. The constitution, powers and functions of the Research Council shall be prescribed by the Statutes. The Research Council.
21. The constitution, powers and functions of the Extension Education Council shall be prescribed by the Statutes. The Extension Education Council.
22. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes. The Finance Committee.
23. The University shall have such Faculties as may be prescribed by the Statutes. Faculties.
24. The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes. The Board of Studies.
25. The constitution, powers and functions of other authorities of the University referred to in clause (7) of section 17 shall be such as may be prescribed by the Statutes. Other authorities.
26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—
- (a) the constitution, powers and functions of the authorities of the University, as may be constituted from time to time;
 - (b) the appointment and continuance in office of the members of the said authorities, the filling up of vacancies of members, and all other matters relating to those authorities for which it may be necessary or desirable to provide;
 - (c) the appointment, powers and duties of the officers of the University and their emoluments;
 - (d) the appointment of teachers, academic staff and other employees of the University and their emoluments;
 - (e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;
 - (f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;
 - (g) the principles governing the seniority of service of employees of the University;
 - (h) the procedure for arbitration in cases of dispute between employees or students and the University;
 - (i) the procedure for appeal to the Board by any employee or student against the action of any officer or authority of the University;

(j) the establishment and abolition of Departments, centres, colleges and institutions;

(k) the conferment of honorary degrees;

(l) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the delegation of powers vested in the authorities or officers of the University;

(o) the maintenance of discipline among the employees and students;

(p) all other matters which are to be, or may be, prescribed by the Statutes.

Statutes how to
be made.

27. (1) The first Statutes are those set out in the Schedule.

(2) The Board may from time to time make Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Board shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Board.

(3) Every Statute or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent therefrom or remit it to the Board for consideration.

(4) A Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Board for its inability to comply with such direction, make or amend the Statutes suitably.

Power to
make
Ordinances.

28. (1) Subject to the provisions of this Act and Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of special centres, specialised laboratories and other committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the management of colleges and institutions established by the University;

(p) the setting up of a machinery for redressal of grievances of employees; and

(q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended or repealed at any time by the Board in the manner prescribed by the Statutes.

29. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Regulations.

30. (1) The annual report of the University shall be prepared under the direction of the Board, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Board on or after such date as may be prescribed by the Statutes and the Board shall consider the report in its annual meeting.

Annual report.

(2) The Board shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report as prepared under sub-section (1) shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

31. (1) The annual accounts of the University shall be prepared under the directions of the Board and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

Annual accounts.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Board and the Visitor along with the observations of the Board.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Board and observations of the Board, if any, shall be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

(5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Official Gazette.

Conditions of service of employees.

32. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Board, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

33. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Board and the Board may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeal.

34. Every employee or student of the University or of a college or institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal, within such time as may be prescribed by the Statutes, to the Board against the decision of any officer or authority of the University or any college or an institution; as the case may be, and thereupon the Board may confirm, modify or reverse the decision appealed against.

Provident and pension funds.

35. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

Disputes as to constitution of University authorities.

36. If any question arises as to whether any person has been duly appointed as, or is entitled to be, a member of any authority of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Constitution of Committees.

37. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such persons, if any, as the authority in each case may think fit.

Filling of casual vacancies.

38. All casual vacancies among the members (other than *ex officio* members) of any authority of the University shall be filled, as soon as may be, by the person who appointed or co-opted the member whose place has become vacant and the person appointed or

co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term, for which the person whose place he fills would have been a member.

39. No act or proceedings of any authority of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of the University authorities not invalidated by vacancy.

40. No suit, prosecution or other legal proceedings shall lie against the Board, Vice-Chancellor, any authority or officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection of action taken in good faith.

41. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if verified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

1 of 1872.

Mode of proof of University records.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. Notwithstanding anything contained in this Act, and the Statutes,—

Transitional provisions.

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and shall hold office for a term of five years;

(b) the first Registrar and the first Comptroller shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first members of the Board shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first members of the Academic Council shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

44. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament; while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation

should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

THE SCHEDULE

(See section 27)

THE STATUTES OF THE UNIVERSITY

The Chancellor

1. (1) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Board from amongst persons of eminence in education in general and agricultural sciences in particular:

Provided that if the Visitor does not approve any of the persons so recommended, he may call for fresh recommendations from the Board.

(2) The Chancellor shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that in exceptional circumstances, the chancellor may continue to hold office until his successor enters upon his office.

The Vice-Chancellor

2. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2).

(2) The Committee referred to in clause (1) shall consist of the following:—

(i) Secretary, Department of Agricultural Research and Education, Government of India who shall be the Chairman;

(ii) one nominee of the Visitor as Member, who shall also be the Convener;

(iii) one nominee of the Central Government.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall be eligible for reappointment for a further term of five years, or until he attains the age of seventy years whichever is earlier:

Provided that in exceptional circumstances, the Vice-Chancellor may continue in office for a period not exceeding one year or until his successor is appointed and enters upon his office.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) the Vice-Chancellor shall be paid a monthly salary and allowances other than the house rent allowance, at the rate fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Board with the approval of the Visitor from time to time:

Provided that where an employee of the University or a college or an institution maintained by it, or of any other University or any institution maintained by or affiliated to such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University

shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme;

(iii) the Vice-Chancellor shall be entitled to travelling and other allowances as per the rate fixed from time to time by the Government of India for the officers equivalent to the rank of Secretary to the Government of India. Further, he shall be entitled to transfer travelling allowances and other allowances as admissible to officers of the rank of Secretary to the Government of India for joining and after relinquishing the post;

(iv) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and a half days for each completed month of service;

(v) in addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half pay leave at the rate of twenty days for each completed year of service. This half pay leave may also be availed of as commuted leave on full pay on medical certificate. When commuted leave is available, twice the amount of half pay leave shall be debited against half pay leave due;

(vi) the Vice-Chancellor shall be entitled to Leave Travel Concession and Home Travel Concession as per rules of Government of India;

(vii) the Vice-Chancellor shall be entitled to the benefit of leave encashment at the time of laying down the office as per rules of Government of India.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the senior-most Dean or Director, as the case may be, shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the Vice-Chancellor attends to the duties of his office, as the case may be.

Powers and duties of the Vice-Chancellor

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Board, the Academic Council, the Finance Committee, the Research Council and the Extension Education Council and shall in the absence of the Chancellor, preside over the Convocation held for conferring degrees.

(2) The Vice-Chancellor shall be entitled to be present at, and address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of such authority.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed; and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Board, the Academic Council, the Research Council, the Extension Education Council and the Finance Committee.

The Dean of colleges and Faculties

4. (1) Each Faculty shall have a Dean who shall also be the head of the college concerned. If any Faculty has more than one college, the Vice-Chancellor may nominate one of the Deans as Dean of the Faculty.

(2) The Dean of the college shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose as per Statute 18 and he shall be a whole-time salaried officer of the University.

(3) The Dean shall be entitled to rent free and unfurnished residential accommodation.

(4) The Dean shall hold the office for a term of five years and shall be eligible for reappointment:

Provided that a Dean on attaining the age of sixty-five years shall cease to hold office as such.

(5) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by such persons as the Vice-Chancellor may appoint for the purpose.

(6) The Dean shall be responsible to the Vice-Chancellor for the conduct and maintenance of the standards of teaching in the college and Faculty and shall perform such other functions as may be prescribed by the Ordinances.

(7) The Dean shall be the *ex officio* Chairman of the Board of Studies of the Faculty, a member of the Academic Council, the Research Council and the Extension Education Council of the University.

The Director of Education

5. (1) The Director of Education shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Director of Education shall be entitled to rent free and unfurnished residential accommodation.

(3) The Director of Education shall hold office for a term of five years and shall be eligible for reappointment:

Provided that Director of Education on attaining the age of sixty-five years shall cease to hold office as such.

(4) The Director of Education shall be responsible for planning, co-ordination and supervision for all educational programmes in the various Faculties of the University.

The Director of Research

6. (1) The Director of Research shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Director of Research shall be entitled to rent free and unfurnished accommodation.

(3) The Director of Research shall hold office for a term of five years and shall be eligible for reappointment:

Provided that the Director of Research on attaining the age of sixty-five years shall cease to hold office as such.

(4) The Director of Research shall be responsible for supervision and co-ordination of all research programmes of the University and shall be responsible to the Vice-Chancellor for performance of his duties.

(5) The Director of Research shall be *ex officio* Member-Secretary of the Research Council of the University.

The Director of Extension Education

7. (1) The Director of Extension Education shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Director of Extension Education shall be entitled to rent free and unfurnished accommodation.

(3) The Director of Extension Education shall hold office for a term of five years and shall be eligible for reappointment:

Provided that the Director of Extension Education on attaining the age of sixty-five years shall cease to hold office as such.

(4) The Director of Extension Education shall be responsible for supervision and co-ordination of all Extension Education Programmes in the University and shall be responsible to the Vice-Chancellor for performance of his duties.

(5) The Director of Extension Education shall be *ex officio* Member-Secretary of the Extension Education Council of the University.

The Registrar

8. (1) The Registrar shall be appointed by the Board on the recommendations of a duly constituted Selection Committee under Statute 18 and he shall be a whole-time salaried officer of the University. He shall be responsible to the Vice-Chancellor for performance of his duties.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) He may also be appointed on deputation for a specified period not exceeding five years.

(4) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

(5) In case of a person appointed on deputation, his tenure, emoluments and other terms of service shall be according to the terms of deputation.

(6) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence, or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(7) (a) The Registrar shall have the power to take disciplinary action against such of the employees excluding teachers, as may be specified in the order of the Board and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Board against an order of the Vice-Chancellor imposing any penalty.

(8) The Registrar shall be the Secretary *ex officio* of the Board and the Academic Council, but shall not be deemed to be a member of any of these authorities.

(9) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Board shall commit to his charge;

(b) to issue all notice convening meeting of the Board, the Academic Council and of any Committee appointed by those authorities;

(c) to keep the minutes of all the meetings of the Board, the Academic Council and of any committees appointed by those authorities;

(d) to conduct the official correspondence of the Board and the Academic Council;

(e) to arrange for the examinations of the University in accordance with the manner prescribed by the Ordinances or notifications;

(f) to supply to the Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers-of-attorney and verify pleadings or depute his representatives for the purpose; and

(h) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required, from time to time, by the Board or the Vice-Chancellor.

The Comptroller

9. (1) The Comptroller shall be appointed by the Board on the recommendations of a duly constituted Selection Committee under Statute 18 and he shall be a whole-time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) The Comptroller may also be appointed on deputation for a specified period not exceeding five years.

(4) The emoluments and other terms and conditions of service of the Comptroller shall be such as may be prescribed by the Ordinances. In case of a person being appointed on deputation, his tenure, emoluments and other terms of service shall be according to the standard of deputation:

Provided that the Comptroller shall retire on attaining the age of sixty years.

(5) When the office of the Comptroller is vacant or when the Comptroller is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(6) The Comptroller shall be the Secretary *ex officio* of the Finance Committee, but shall not be deemed to be a member of such Committee.

(7) The Comptroller shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other duties as may be specified in the Statutes, the Ordinances or as may be required, from time to time, by the Board or the Vice-Chancellor.

(8) Subject to the control of the Board, the Comptroller shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Board for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Board;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, specialised laboratories, colleges and institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, laboratory, college or institution maintained by the University and information or returns that he may consider necessary for performance of his duties.

(9) Any receipt given by the Comptroller or the person or persons duly authorised in this behalf by the Board for any money payable to the University shall be sufficient discharge for payment of such money.

Heads of Departments

10. (1) Each Department shall have a Head appointed by the Vice-Chancellor who shall be not below the rank of an Associate Professor and whose duties and functions and terms and conditions of appointment shall be prescribed by the Ordinances.

(2) He shall be responsible to the Dean for teaching, to Director of Research for research, to Director of Extension Education for extension education work. However, the Dean shall be the administrative controlling officer of the Heads of Departments in college concerned:

Provided that if there is more than one Professor in any Department, the Head of the Department shall be appointed by the Vice-Chancellor from amongst the Professors:

Provided further that in the case of Department where there is only one Professor, the Vice-Chancellor shall have the option, to appoint either the Professor or an Associate Professor as the Head of the Department:

Provided also that in a Department where there is no Professor or Associate Professor, the Dean of the college shall act as the Head of the Department or with the approval of the Vice-Chancellor assign the duty to any other Head of the Department of the college.

(3) It shall be open to a Professor or an Associate Professor to decline the offer of appointment as the Head of the Department.

(4) A Professor or an Associate Professor appointed as Head of the Department shall hold office as such for a period of three years and shall be eligible for reappointment.

(5) A Head of the Department may resign his office at any time during his tenure of office.

(6) A Head of the Department shall perform such functions as may be prescribed by the Ordinances.

(7) The Head of the Department shall retire at the age of sixty-five years.

Librarians

11. (1) The University Librarian shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose under Statute 18 and he shall be a whole-time salaried officer of the University.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

Constitution, powers and functions of the Board of Management

12. (1) The Board shall consist of the following members, namely:—

(i) the Vice-Chancellor, *ex officio* Chairman;

(ii) Four Secretaries, from amongst the Secretaries in charge of the Departments of Agriculture and Animal Husbandry, Fishery and Horticulture of the States of Madhya Pradesh and Uttar Pradesh to be nominated by the Visitor by rotation:

Provided that there shall not be more than two Secretaries from a State in the Board at a particular time;

(iii) three eminent scientists to be nominated by the Visitor;

(iv) one distinguished person representing Agro-based industries or a manufacturer having a special knowledge in agricultural development to be nominated by the Visitor;

(v) the Deputy Director-General (Education) representing the Indian Council of Agricultural Research;

(vi) one Dean of college and one Director to be nominated by the Vice-Chancellor on rotational basis;

(vii) three persons including at least a woman representing farmers in Bundelkhand to be nominated by the Vice-Chancellor by rotation in the States of Madhya Pradesh and Uttar Pradesh:

Provided that there shall not be more than two representatives from a State in the Board at a particular time;

(viii) an Advisor (Agriculture), Planning Commission;

(ix) a distinguished authority on natural resource or environment management to be nominated by the Visitor;

(x) two persons not below the rank of Joint Secretary representing respectively the Departments of Government of India dealing with the Agriculture and Animal Husbandry to be nominated by the concerned Secretary to the Government of India;

(xi) nominee of the Secretary representing the Department of Agricultural Research and Education, Government of India;

(xii) the Registrar of the University—Secretary.

(2) The term of office of the members of the Board, other than *ex officio* members, shall be three years.

(3) The Board shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(4) Subject to the provisions of this Act, the Statutes and the Ordinances, the Board shall in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of University staff, subject to the approval of the Indian Council of Agricultural Research;

(ii) to appoint such teachers and other academic staff, as may be necessary, and Deans of colleges, Director and Heads of other institutions maintained by the University on the recommendations of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to create administrative, ministerial and other necessary posts and to make appointments thereto in the manner prescribed by the Ordinances;

(iv) to regulate and enforce discipline among employees in accordance with the Statutes and Ordinances;

(v) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose to appoint such agents as it may think fit;

(vi) to fix limits on the total recurring and the total non-recurring expenditure for one year on the recommendations of the Finance Committee;

(vii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(viii) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(ix) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(x) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xi) to entertain, adjudicate upon, and, if thought fit, to redress any grievances of the employees and students of the University;

(xii) to fix fees, honorarium, emoluments and travelling allowances of examiners or experts or consultants, advisors and officers on special duty;

(xiii) to select a common seal for the University and provide for the custody and use of such seal;

(xiv) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xv) to delegate any of its powers to the Vice-Chancellor, Deans, Directors, Registrar or Comptroller or such other employee or authority of the University or to a Committee appointed by it as it may deem fit;

(xvi) to institute fellowships, scholarships, studentships, medals and prizes;

(xvii) to provide for appointment of Visiting Professor, Emeritus Professor, Consultant and Officers on Special Duty and Scholars and to determine the terms and conditions of such appointment;

(xviii) to exercise such other power and perform such other duties as may be conferred on it by the Act, or the Statutes.

Quorum for meetings of the Board

13. Six members of the Board shall form the quorum for a meeting of the Board.

Constitution and powers of the Academic Council

14. (1) The Academic Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor, *ex officio* Chairman;
- (ii) all the Deans of the colleges of the University;
- (iii) the Director of Research of the University;
- (iv) the Director of Extension Education of the University;
- (v) the Director of Education;
- (vi) a Librarian to be nominated by the Vice-Chancellor on rotational basis;
- (vii) two eminent scientists to be co-opted from outside the University to be nominated by the Vice-Chancellor;
- (viii) seven Heads of the Departments, at least one from each Faculty to be nominated by the Vice-Chancellor;
- (ix) the Registrar of the University, *ex officio* Secretary.

(2) The term of office of the members of the Academic Council other than *ex officio* members shall be three years.

(3) Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

- (a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-operative teaching among colleges and institutions, evaluation and improvements in academic standards;
- (b) to bring about inter-college co-ordination and establish or appoint Committee on academic matters;
- (c) to consider matters of general academic interest either on its own initiative or on a reference by a college or the Board and to take appropriate action thereon; and
- (d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residences, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance.

Quorum for meetings of the Academic Council

15. One-third members of the Academic Council shall form the quorum for a meeting of the Academic Council.

Board of Studies

16. (1) Each Faculty shall have a Board of Studies.

(2) The Board of Studies of each Faculty shall be constituted as under:—

- (i) Dean of Faculty — Chairperson;
- (ii) Director of Research — Member;
- (iii) Director of Extension Education—Member;
- (iv) all Heads of Departments of the Faculty not below the rank of Associate Professor—Member;
- (v) one representative of the Academic Council not belonging to the particular Faculty to be nominated by the Vice-Chancellor;

(vi) two eminent scientists from agricultural education system not belonging to the University to be nominated by the Vice-Chancellor;

(vii) one final year Post-Graduate student with Highest Overall Grade Point Average (OGPA) — Member;

(viii) Assistant Registrar (Academic) of the Faculty — Member;

(ix) Director of Education — Member.

(3) The functions of the Board of Studies shall be to recommend to the Academic Council, the course curriculum to be prescribed for various degrees to be offered by the concerned Faculty and to make suitable recommendations for the teaching of the prescribed approved course, namely:—

(a) courses of studies and appointment of examiners for courses, but excluding research degrees;

(b) appointment of supervisors of research; and

(c) measures for the improvement of the standard of teaching and research.

Finance Committee

17. (1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor — Chairman;

(ii) Financial Advisor, Department of Agricultural Research and Education or his nominee not below the rank of Deputy Secretary;

(iii) three persons to be nominated by the Board, out of whom at least one shall be a member of the Board;

(iv) three persons to be nominated by the Visitor; and

(v) the Comptroller of the University—Member-Secretary.

(2) Three members of the Finance Committee shall form the quorum for meeting of the Finance Committee.

(3) The members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least twice a year to examine the accounts and to scrutinise proposals for expenditure.

(6) Every proposal relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Board.

(7) The annual accounts and the financial estimates of the University prepared by the Comptroller, shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Board for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

Selection Committee

18. (1) There shall be a Selection Committee for making recommendations to the Board for appointment to the posts of teachers, Comptroller, Registrar, Librarians, Deans of colleges, Directors and Heads of other institutions maintained by the University.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of members as specified in the corresponding entries in column 2 of the said Table:

TABLE

1	2	3
A. Directors/Deans	(i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) Three eminent scientists not below the rank of Vice-Chancellor or equivalent (serving or retired) to be nominated by the Vice-Chancellor from a panel of six names approved by the Board—Member.	
B. Professors/Equivalent	(i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) Dean of the concerned Faculty—Member. (iv) Director of Research or Director of Extension Education or Director of Education to be nominated by the Vice-Chancellor—Member. (v) Three eminent subject specialists not below the rank of Head of Department or equivalent (serving or retired) to be nominated by the Vice-Chancellor out of a panel of six names approved by the Board—Members.	
C. Associate Professor/ Assistant Professor/ Equivalent	(i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) Dean of the concerned faculty—Member. (iv) Director of Education or Director of Research or Director of Extension Education to be nominated by the Vice-Chancellor—Member. (v) Head of the concerned Department not below the rank of Professor—Member. (vi) Two eminent teachers or scientists not below the rank of Professor or equivalent (serving or retired) to be nominated by the Vice-Chancellor out of a panel of six names approved by the Board—Members.	
D. Registrar/Comptroller/ Librarian	(i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) One Director/Dean to be nominated by the Vice-Chancellor—Member. (iv) Two experts in the concerned subject to be nominated by the Vice-Chancellor, out of a panel of six names approved by the Board—Members.	

(3) The Vice-Chancellor, or in his absence, his nominee shall preside at the meetings of the Selection Committee:

Provided that the meetings of the Selection Committee shall be fixed after prior consultation with the nominees of the Visitor:

Provided further that the proceedings of the Selection Committee shall not be valid unless at least two members, not in the service of the University are present in the meeting.

(4) The meeting of the Selection Committee shall be convened by the Vice-Chancellor or in his absence by his nominee.

(5) The procedure to be followed by the Selection Committee in making recommendations shall be decided by the Committee prior to the interview.

(6) If the Board is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:—

(i) the Vice-Chancellor shall have the authority to appoint a person on *ad hoc* basis for a period not exceeding six months extendable by a further period of six months with the approval of the Board:

Provided that if the Vice-Chancellor is satisfied that in the interest of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis by the local Selection Committee referred to in sub-clause (ii) for the period not exceeding six months;

(ii) if the temporary vacancy is for a period less than one year, an appointment to such vacancy shall be made on the recommendation of the local Selection Committee consisting of the Dean of the college concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for one month and report to the Vice-Chancellor and the Registrar about such appointment;

(iii) no teacher appointed temporarily shall, if he is not recommended by the regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by the local Selection Committee or the regular Selection Committee, for a temporary or permanent appointment, as the case may be.

(8) Mode of constitution of the Selection Committee for non-academic staff, not prescribed in the Statutes, shall be prescribed by the Ordinances.

Special mode of appointment

19. (1) Notwithstanding anything contained in Statute 18, the Board may invite a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

(2) The Board may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

Appointment for a fixed tenure

20. The Board may appoint a person selected in accordance with the procedure laid down in Statute 18 for a fixed tenure on such terms and conditions as it deems fit.

Qualifications of Director, Dean, Professor, etc.

21. (1) Qualifications of Director, Dean, Professor, Associate Professor and Assistant Professor of different Faculties and their equivalents in Research and Extension Education shall be as prescribed by the Ordinances.

(2) Qualification of non-academic staff shall be prescribed by the Ordinances.

Committees

22. (1) The authorities of the University specified in section 16 may appoint as many standing or special Committees as it may deem fit, and may appoint to such committees persons who are not members of such authority.

(2) Any such Committee appointed under clause (1) may deal with any subject delegated to it subject to confirmation by the authority appointing it.

Terms and conditions of service and code of conduct of the teachers, etc.

23. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) Every teacher and other staff of the University shall be appointed on a written contract, the term of which shall be prescribed by the Ordinances.

(3) A copy of every contract referred to in clause (2) shall be deposited with the Registrar.

Terms and conditions of service and code of conduct of other employees

24. All the non-academic employees of the University, shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations as made from time to time.

Seniority list

25. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and, in accordance with such other principles as the Board may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain, in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any person, submit the matter to the Board whose decision thereon shall be final.

Removal of employees of the University

26. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or member of the academic staff and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee, may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Board, the circumstances in which the order was made:

Provided that the Board may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Board in respect of teacher and other academic staff and the appointing authority, in respect of other employees, shall have the power to remove a teacher or a member of the academic staff, or other employees, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Board or the appointing authority, as the case may be, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Board or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Board or, the appointing authority, as the case may be, or by paying one months' salary in lieu thereof:

Provided that such resignation shall take effect only on the date from which the resignation is accepted by the Board or the appointing authority, as the case may be.

Honorary degrees

27. (1) The Board may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Board may, on its own motion, make such proposals.

(2) The Board may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

Withdrawal of degrees, etc.

28. The Board may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Board.

Maintenance of discipline among students of the University

29. (1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or any of his powers as he deems proper to such officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of his powers, by order, direct that any student or students be expelled, or rusticated, for a specified period, or be not admitted to a course or courses of study in a college, institution or Department of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, college, institution or Department for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The Dean of colleges, institutions and Heads of the teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective colleges, institutions and teaching Departments in the University as may be necessary for the proper conduct of such colleges, institutions and teaching in the Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, the Deans and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Deans of the colleges, institutions and Heads of the teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purposes.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

Maintenance of discipline among students of colleges, etc.

30. All powers relating to discipline and disciplinary action in relation to the students of the college or an institution maintained by the University, shall vest in the Dean of the College or institution, as the case may be, in accordance with the procedure prescribed by the Ordinances.

Convocations

31. Convocations of the University for the conferring of the degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Acting Chairman

32. When no provision is made for a Chairman to preside over a meeting of any Committee or when the Chairman so provided for is absent, or the Vice-Chancellor has not in writing made any arrangement, the members shall elect one from among themselves to preside over meeting.

Resignation

33. Any member, other than an *ex officio* member of the Board, Academic Council or any other authority of the University or any committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disqualifications

34. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University,—

(i) if he is of unsound mind;

(ii) if he is an undischarged insolvent;

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for a period of not less than six months.

(2) If any question arises as to whether a person is or has been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision thereon shall be final and no suit or other proceedings shall lie in any civil court against such decision.

Residence condition for membership and office

35. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership of authorities by virtue of membership of other bodies

36. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority of the University in his capacity as a member of a particular authority or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or the holder of that particular appointment, as the case may be.

Alumni Association

37. (1) There shall be an *Alumni* Association for the University.

(2) The subscription for membership of the *Alumni* Association shall be prescribed by the Ordinances.

(3) No member of the *Alumni* Association shall be entitled to vote or stand for election unless he has been a member of the said Association for at least one year prior to the date of the election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students' Council

38. (1) There shall be, in each College of the University, a Students' Council for each academic session for the purpose of making recommendations to the authorities of the University with regard to various activities relating to students welfare, including games, sports, dramatics, debates, cultural activities, etc., and such Council shall consist of:—

(i) the Dean of the College-Chairperson;

(ii) all Hostel Wardens;

(iii) Campus Estate Officer;

(iv) five Heads of the Departments to be nominated by the Dean;

(v) Hostel Prefects;

(vi) one student from each class or year who has secured the Highest Overall Grade Point Average (OGPA) in the previous academic session;

(vii) Students Welfare Officer—Member-Secretary.

(2) The Students Council shall meet at least once in each semester.

Ordinances how made

39. (1) The first Ordinances made under sub-section (2) of section 27 may be amended or repealed at any time by the Board in the manner specified below.

(2) No Ordinances in respect of the matters enumerated in section 27, other than those enumerated in clause (n) of sub-section (1) thereof shall be made by the Board unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Board shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for reconsideration either in whole or in part, together with any amendment which the Board may suggest.

(4) Where the Board has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Board which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Board shall come into effect immediately.

(6) Every Ordinance made by the Board shall be submitted to the Visitor within two weeks from the date of its adoption. The Visitor shall have the power to direct the University within four weeks of the receipt of the Ordinance to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Board about his objection to the proposed Ordinance. The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance, or disallow the Ordinance and his decision shall be final.

Regulations

40. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:—

(i) laying down the procedure to be observed at their meeting and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinances to be specified by the Regulations;

(iii) providing for all other matters concerning such authority or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authorities of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

Delegation of Powers

41. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its power to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

Collaboration with other Institution and Organisations

42. The University shall have the authority to enter into an agreement through a Memorandum of Understanding with any research and/or academic institution of higher learning to conduct collaborative Post Graduate Research Programme to fulfil the partial requirement for the award of Master's and Ph.D. degrees of the University.

Constitution and Function of Research Council

43. (1) There shall be a Research Council of the University to exercise general supervision over the research policies and programmes of the University in the area of Agriculture and allied disciplines. The Research Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor—Chairman;
- (ii) Director of Extension Education—Member;
- (iii) Director of Education—Member;
- (iv) all Deans of the colleges of the University—Members;
- (v) nominees of the State Governments not below the rank of Director—Members;
- (vi) all co-ordinators of the Research teams of the University—Members;
- (vii) two eminent agricultural scientists to be nominated by the Vice-Chancellor for three years—Members;
- (viii) Director of Research—Member-Secretary.

(2) The Research Council shall meet at least once in a year.

(3) One-third members of the Research Council shall form a quorum for the meeting of the Research Council.

(4) If a vacancy occurs due to resignation or otherwise the same shall be filled up for the remaining period.

Constitution and function of the Extension Education Council

44. (1) There shall be an Extension Education Council of the University to exercise general supervision over the extension education policies and programmes of the University in the area of Agriculture and allied disciplines. The Extension Education Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor—Chairman;
- (ii) Director of Research—Member;
- (iii) Director of Education—Member;
- (iv) all Deans of the colleges of the University—Members;
- (v) nominees of the State Governments not below the rank of Director—Members;
- (vi) farmers representatives from Bundelkhand and one woman social worker to be nominated by the Vice-Chancellor for a term of three years—Members;
- (vii) two eminent scientists from outside the University to be nominated by the Vice-Chancellor for two years—Members;
- (viii) Director of Extension Education—Member-Secretary.

(2) The Extension Education Council shall meet at least once in a year.

(3) One-third members of the Extension Education Council shall form a quorum for the meeting of the Extension Education Council.

Application of the Central Civil Services (Pension) Rules, 1972, etc.

45. (1) All regular employees of the University shall be governed by the provisions of the Central Civil Services (Pension) Rules, 1972, and General Provident Fund (Central Services) Rules, 1960, in respect of grant of pension and gratuity and general provident fund.

(2) Any amendment made by the Government of India in the Central Civil Services (Pension) Rules, 1972, and the General Provident Fund (Central Services) Rules, 1960, shall also be applicable to employees of the University.

(3) In respect of commutation of pension, the provisions of the Central Civil Services (Commutation of Pension) Rules, 1981, shall apply.

(4) The Vice-Chancellor shall be the pension sanctioning authority and the pension authorisation authority.

(5) Pension payment shall be centralised and controlled by Comptroller's office.

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,
Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, Dated the 6th June, 2014.

No. RPB/57-2014/Act-16-14/E.- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 10th March, 2014, Falgun 19, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 7th March, 2014 is hereby published for general information :-

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

(AMENDMENT) ACT, 2014

AN ACT

further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1.(1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(2) In section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the principal Act),—

Amendment of Section 2.

(a) after clause (iv), the following clause shall be inserted, namely :-

'(iva) "Central Government factories" means factories owned by the Central Government or factories owned by any company in which the Central Government holds at least fifty-one per cent. of the paid-up share capital;"

(b) clause (viii) shall be relettered as clause (viii) and before, clause (viii) as so relettered, the following clause shall be inserted, namely:-

'(viii) "essential narcotic drug" means a narcotic drug notified by the Central Government for medical and scientific use;"

Amendment
of section 4.

3. In section 4 of the principal Act,—

(a) in sub-section (1), after the words “the illicit traffic therein”, the words “and for ensuring their medical and scientific use” shall be inserted;

(b) in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

“(da) availability of narcotic drugs and psychotropic substances for medical and scientific use;”.

Amendment
of section 9.

4. In section 9 of the principal Act,—

(a) in sub-section (1), in clause (a),—

(i) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iiia) the possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw produced from plants from which no juice has been extracted through lancing;”.

(ii) after sub-clause (v), the following shall be inserted, namely:—

(va) the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of essential narcotic drugs:

Provided that where, in respect of an essential narcotic drug, the State Government has granted licence or permit under the provisions of section 10 prior to the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, such licence or permit shall continue to be valid till the date of its expiry or for a period of twelve months from such commencement, whichever is earlier.”;

(b) in sub-section (2), after clause (h), the following clause shall be inserted, namely:—

“(ha) prescribe the forms and conditions of licences or permits for the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of essential narcotic drugs, the authorities by which such licence or permit may be granted and the fees that may be charged therefor;”.

Amendment
of section 10

5. In section 10 of the principal Act, in sub-section (1), in clause (a),—

(a) in sub-clause (i), after the words “poppy straw”, the words “except poppy straw produced from plants from which no juice has been extracted through lancing” shall be inserted;

(b) in sub-clause (v), for the words “manufactured drugs other than prepared opium”, the words and brackets “manufactured drugs (other than prepared opium and essential narcotic drugs)” shall be inserted.

Amendment
of section 15.

6. In section 15 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

Amendment
of section 17.

7. In section 17 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

Amendment
of section 18.

8. In section 18 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

Amendment
of section 20.

9. In section 20 of the principal Act, in clause (b), in sub-clause (ii), in item (A), for the words “six months”, the words “one year” shall be substituted.

10. In section 21 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted. Amendment of section 21.
11. In section 22 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted. Amendment of section 22.
12. In section 23 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted. Amendment of section 23.
13. After section 27A of the principal Act, the following section shall be inserted, namely:— Insertion of new section 27B.
- "27B. Whoever contravenes the provision of section 8A shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine." Punishment for contravention of section 8A.
14. In section 31 of the principal Act,— Amendment of section 31.
- (a) in sub-section (1),—
- (i) for the words "one-half of the maximum term", the words "one and one-half times of the maximum term" shall be substituted;
- (ii) for the words "one-half of the maximum amount", the words "one and one-half times of the maximum amount" shall be substituted;
- (b) in sub-section (2),—
- (i) for the words "one-half of the minimum term", the words "one and one-half times of the minimum term" shall be substituted;
- (ii) for the words "one-half of the minimum amount", the words "one and one-half times of the minimum amount" shall be substituted.
15. In section 31A of the principal Act, in sub-section (1), for the words "shall be punishable with death", the words and figures "shall be punished with punishment which shall not be less than the punishment specified in section 31 or with death" shall be substituted. Amendment of section 31A.
16. In section 42 of the principal Act, in sub-section (1), in the proviso, for the words "Provided that", the following shall be substituted, namely:— Amendment of section 42.
- "Provided that in respect of holder of a licence for manufacture of manufactured drugs or psychotropic substances or controlled substances granted under this Act or any rule or order made thereunder, such power shall be exercised by an officer not below the rank of sub-inspector:
- Provided further that".
17. In section 52A of the principal Act,— Amendment of section 52A.
- (a) for sub-section (1), the following sub-section shall be substituted, namely:—
- "(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.";

(b) in sub-section (2),—

(i) for the words "narcotic drug or psychotropic substance" and "narcotic drugs or psychotropic substances", wherever they occur, the words "narcotic drugs, psychotropic substances, controlled substances or conveyances" shall be substituted;

(ii) in clause (b), for the words "such drugs or substances", the words "such drugs, substances or conveyances" shall be substituted;

(c) in sub-section (4), for the words "narcotic drugs or psychotropic substances", the words "narcotic drugs, psychotropic substances, controlled substances or conveyances" shall be substituted.

Insertion of
new section
57A.

18. After section 57 of the principal Act, the following section shall be inserted, namely:—

"57A. Whenever any officer notified under section 53 makes an arrest or seizure under this Act, and the provisions of Chapter VA apply to any person involved in the case of such arrest or seizure, the officer shall make a report of the illegally acquired properties of such person to the jurisdictional competent authority within ninety days of the arrest or seizure."

Report of
seizure of
property of
the person
arrested by the
notified officer.

Substitution of
new heading
for heading of
Chapter VA.

19. In Chapter VA of the principal Act, for the heading "FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC", the heading "FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY" shall be substituted.

Amendment
of section
68B.

20. In section 68B of the principal Act,—

(a) in clause (g),—

(i) in sub-clause (i), for the words "of this Act; or", the words "of this Act or the equivalent value of such property; or" shall be substituted;

(ii) in sub-clause (ii), for the words "such property," the words "such property or the equivalent value of such property; or" shall be substituted;

(iii) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

"(iii) any property acquired by such person, whether before or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved, or the equivalent value of such property;"

(b) for clause (h), the following clause shall be substituted, namely:—

"(h) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, wherever located and includes deeds and instruments evidencing title to, or interest in, such property or assets;"

Amendment
of section
68D.

21. In section 68D of the principal Act, in sub-section (1), for the words "any Collector of Customs or Collector of Central Excise", the words "any Commissioner of Customs or Commissioner of Central Excise" shall be substituted.

Amendment
of section
68H.

22. In section 68H of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the removal of doubts, it is hereby declared that in a case where the provisions of section 68J are applicable, no notice under this section shall be invalid merely on the ground that it fails to mention the evidence relied upon or it fails to establish a direct nexus between the property sought to be forfeited and any activity in contravention of the provisions of this Act."

23. In section 68-O of the principal Act, in sub-section (4), after the proviso, the following proviso shall be inserted, namely:—

Amendment of
section 68-O.

"Provided further that if the office of the Chairman is vacant by reason of his death, resignation or otherwise, or if the Chairman is unable to discharge his duties owing to absence, illness or any other cause, the Central Government may, by order, nominate any member to act as the Chairman until a new Chairman is appointed and assumes charge or, as the case may be, resumes his duties."

24. In section 71 of the principal Act, in sub-section (1), for the words "The Government may, in its discretion, establish, as many centres as it thinks fit for identification, treatment", the words "The Government may establish, recognise or approve as many centres as it thinks fit for identification, treatment, management" shall be substituted.

Amendment
of section 71.

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,
Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 9th June, 2014.

No. RPB/55-2014/Act-6-14/E :-The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 1st March, 2014, Falgun 10, 1935 (Saka)

The following Act of Parliament has received the assent of the President on the 1st March, 2014 is hereby published for general information :-

THE ANDHRA PRADESH REORGANISATION ACT, 2014

AN ACT

to provide for the reorganisation of the existing State of Andhra Pradesh and for matters connected therewith

BE it enacted by Parliament in the Sixty-Fifth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. This Act may be called the Andhra Pradesh Reorganisation Act, 2014.

Short title.

(2) In this Act, unless the context otherwise requires,—

Definitions.

- (a) "Appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (b) "article" means an article of the Constitution;
- (c) "assembly constituency", "council constituency" and "Parliamentary constituency" have the same meanings as in the Representation of the people Act, 1950.

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "existing State of Andhra Pradesh" means the State of Andhra Pradesh as existing immediately before the appointed day;

(f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Andhra Pradesh;

(g) "notified order" means an order published in the Official Gazette;

(h) "population ratio", in relation to the States of Andhra Pradesh and Telangana, means the ratio of 58.32 : 41.68 as per 2011 Census;

(i) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Andhra Pradesh, means a person who immediately before the appointed day, is a member of that House;

(j) "successor State", in relation to the existing State of Andhra Pradesh, means the State of Andhra Pradesh or the State of Telangana, as the case may be;

(k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Andhra Pradesh to the State of Telangana;

(l) "treasury" includes a sub-treasury; and

(m) any reference to a district, mandal, tehsil, taluk or other territorial division of the existing State of Andhra Pradesh shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF ANDHRA PRADESH

Formation of
Telangana
State.

3. On and from the appointed day, there shall be formed a new State to be known as the State of Telangana comprising the following territories of the existing State of Andhra Pradesh, namely:—

Adilabad, Karimnagar, Medak, Nizamabad, Warangal, Rangareddi, Nalgonda, Mahbubnagar, Khammam (but excluding the revenue villages in the Mandals specified in G.O.Ms. No. 111 Irrigation & CAD (LA IV R&R-I) Department, dated the 27th June, 2005 and the revenue villages of Bhurgampadu, Seetharamanagaram and Kondreka in Bhurgampadu Mandal) and Hyderabad districts,

and thereupon the said territories shall cease to form part of the existing State of Andhra Pradesh.

State of
Andhra
Pradesh and
territorial
divisions
thereof:

4. On and from the appointed day, the State of Andhra Pradesh shall comprise the territories of the existing State of Andhra Pradesh other than those specified in section 3.

Hyderabad to
be common
capital for
States of
Telangana and
Andhra
Pradesh.

5. (1) On and from the appointed day, Hyderabad in the existing State of Andhra Pradesh, shall be the common capital of the State of Telangana and the State of Andhra Pradesh for such period not exceeding ten years.

(2) After expiry of the period referred to in sub-section (1), Hyderabad shall be the capital of the State of Telangana and there shall be a new capital for the State of Andhra Pradesh.

Explanation.— In this Part, the common capital includes the existing area notified as the Greater Hyderabad Municipal Corporation under the Hyderabad Municipal Corporation Act, 1955.

Hyderabad
Act No. 2
of 1956.

6. The Central Government shall constitute an expert committee to study various alternatives regarding the new capital for the successor State of Andhra Pradesh and make appropriate recommendations in a period not exceeding six months from the date of enactment of the Andhra Pradesh Reorganisation Act, 2014.

Expert Committee for setting up of a capital for Andhra Pradesh.

7. On and from the appointed day, the Governor of the existing State of Andhra Pradesh shall be the Governor for both the successor States of Andhra Pradesh and Telangana for such period as may be determined by the President.

Governor of existing State of Andhra Pradesh to be common Governor.

8. (1) On and from the appointed day, for the purposes of administration of the common capital area, the Governor shall have special responsibility for the security of life, liberty and property of all those who reside in such area.

Responsibility of Governor to protect residents of common capital of Hyderabad.

(2) In particular, the responsibility of the Governor shall extend to matters such as law and order, internal security and security of vital installations, and management and allocation of Government buildings in the common capital area.

(3) In discharge of the functions, the Governor shall, after consulting the Council of Ministers of the State of Telangana, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-section required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment.

(4) The Governor shall be assisted by two advisors to be appointed by the Central Government.

9. (1) The Central Government shall assist the successor States of Andhra Pradesh and Telangana to raise additional police forces.

Assistance of police forces from Central Government to successor States, etc.

(2) The Central Government shall, for a period of three years, on and from the appointed day, maintain and administer the Greyhound Training Centre in Hyderabad which shall function as a common training centre for the successor States and, at the expiry of the said period, the existing Greyhound Training Centre in Hyderabad shall become the training centre of the State of Telangana.

(3) The Central Government shall assist the successor State of Andhra Pradesh to set up a similar state-of-the-art training centre at such place as the State Government of Andhra Pradesh may by order notify.

(4) The Central Government shall provide financial assistance to the successor States in setting up new operational hubs for Greyhounds at such locations as the successor States may by order notify.

(5) The Greyhound and OCTOPUS forces of the existing State of Andhra Pradesh shall be distributed between the successor States after seeking options from the personnel and, each of these forces, on or after the appointed day shall function under the respective Director General of Police of the successor States.

10. On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

Amendment of First Schedule to Constitution.

(a) in the paragraph relating to the territories of the State of Andhra Pradesh, after the words, brackets and figures "Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959", the following shall be inserted, namely:—

“and the territories specified in section 3 of the Andhra Pradesh Reorganisation Act, 2014”;

(b) after entry 28, the following entry shall be inserted, namely:—

“29. Telangana: The territories specified in section 3 of the Andhra Pradesh Reorganisation Act, 2014.”.

Saving powers
of State
Governments.

11. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Andhra Pradesh or the Government of Telangana to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

Amendment
of Fourth
Schedule to
Constitution.

12. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

(a) in entry 1, for the figures “18”, the figures “11” shall be substituted;

(b) entries 2 to 30 shall be renumbered as entries 3 to 31, respectively;

(c) after entry 1, the following entry shall be inserted, namely:—

“2. Telangana 7”.

Allocation of
sitting
members.

13. (1) On and from the appointed day, eighteen sitting members of the Council of States representing the existing State of Andhra Pradesh shall be deemed to have been elected to fill the seats allotted to the States of Andhra Pradesh and Telangana, as specified in the First Schedule to this Act.

(2) The term of office of such sitting members shall remain unaltered.

The House of the People

Representation
in House of
the People.

14. On and from the appointed day, there shall be allocated 25 seats to the successor State of Andhra Pradesh, and 17 seats to the successor State of Telangana, in the House of the People, and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

43 of 1950.

Delimitation of
Parliamentary
and Assembly
Constituencies.

15. (1) On and from the appointed day, the Delimitation of Parliamentary and Assembly Constituencies Order, 2008, shall stand amended as directed in the Second Schedule to this Act.

(2) The Election Commission may conduct the elections to the House of the People and the Legislative Assemblies of the successor States of Andhra Pradesh and Telangana as per the allocation of seats specified in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as amended by this Act.

Provision as
to sitting
members.

16. (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 14, stands allotted, with or without alteration of boundaries, to the successor States of Andhra Pradesh or Telangana, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

Provisions as
to Legislative
Assemblies.

17. (1) Subject to the provisions of sub-section (2), the number of seats in the Legislative Assemblies of the States of Andhra Pradesh and Telangana, on and from the appointed day, shall be 175 and 119, respectively.

43 of 1950.

(2) In the Second Schedule to the Representation of the People Act, 1950, under the heading "I. STATES":—

(a) for entry 1, the following entry shall be substituted, namely:—

1	2	3	4	5	6	7
"1. Andhra Pradesh	294	39	15	175	29	7";

(b) entries 25 to 28 shall be renumbered as entries 26 to 29, respectively;

(c) after entry 24, the following entry shall be inserted, namely:—

1	2	3	4	5	6	7
"25. Telangana	—	—	—	119	19	12".

18. Notwithstanding anything in sub-section (1) the Governor of the State may nominate one member each to the Legislative Assemblies of the successor States to give representation to the Anglo-Indian community in accordance with article 333 of the Constitution.

Representation
of Anglo-
Indian
community.

19. (1) Every sitting member of the Legislative Assembly of the existing State of Andhra Pradesh elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 17 stands allotted, with or without alteration of boundaries, to the State of Telangana shall, on and from that day, cease to be a member of the Legislative Assembly of Andhra Pradesh and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Telangana from that constituency as so allotted.

Allocation of
sitting
members.

(2) All other sitting members of the Legislative Assembly of the existing State of Andhra Pradesh shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency, the extent or the name of which are altered by virtue of the provisions of section 17, shall be deemed to have been elected to the Legislative Assembly of Andhra Pradesh by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Andhra Pradesh and Telangana shall be deemed to be duly constituted on the appointed day.

20. The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Andhra Pradesh and of the Legislative Assembly of the State of Telangana, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of the existing State of Andhra Pradesh.

Duration of
Legislative
Assemblies.

21. (1) The person who immediately before the appointed day is the Speaker of the Legislative Assembly of the existing State of Andhra Pradesh shall continue to be the Speaker of that Assembly on and from that day and the members of that Assembly shall choose from amongst the members of the Assembly, a member to be the Deputy Speaker of that Assembly.

Speaker.
Deputy
Speaker and
rules of
procedure.

(2) As soon as may be after the appointed day, the Deputy Speaker of the Legislative Assembly of the existing State of Andhra Pradesh shall become the Deputy Speaker of the Legislative Assembly of the successor State of Telangana and until the Speaker is chosen by that Assembly, the duties of the office of the Speaker shall be performed by the Deputy Speaker so appointed.

(3) The rules of procedure and conduct of business of the Legislative Assembly of Andhra Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of Telangana, subject to such modifications and adaptations as may be made therein by the speaker thereof.

The Legislative Councils

Legislative
Council for
successor
States.

22. (1) There shall be constituted a Legislative Council for each of the successor States consisting of not more than 50 members in the Legislative Council of Andhra Pradesh and 40 members in the Legislative Council of Telangana in accordance with the provisions contained in article 169 of the Constitution.

(2) The existing Legislative Council of the State of Andhra Pradesh shall, on and from the appointed day, be deemed to have been constituted as two Legislative Councils of the successor States and the existing members shall be allotted to the Councils as specified in the Fourth Schedule.

Provisions as
to Legislative
Councils.

23. (1) On and from the appointed day, there shall be 50 seats in the Legislative Council of Andhra Pradesh and 40 seats in the Legislative Council of Telangana, respectively.

(2) In the Representation of the People Act, 1950,—

43 of 1950.

(i) in the Third Schedule,—

(a) for the existing entry 1, the following entry shall be substituted, namely:—

1	2	3	4	5	6	7
"1. Andhra Pradesh	50	17	5	5	17	6";

(b) after entry 7, the following entry shall be inserted, namely:—

1	2	3	4	5	6	7
"7A. Telangana	40	14	3	3	14	6";

(ii) in the Fourth Schedule, after the heading "Tamil Nadu" and the entries relating thereunder, the following heading and the entries shall be inserted, namely:—

"TELANGANA

1. Municipal Corporations.

2. Municipalities.

3. Nagar Panchayats.

4. Cantonment Boards.

5. Zila Praja Parishads.

6. Mandal Praja Parishads."

Amendment
of
Delimitation
of Council
Constituencies
Order.

24. (1) On and from the appointed day, the Delimitation of Council Constituencies (Andhra Pradesh) Order, 2006 shall stand amended as directed in Part I of the Third Schedule.

(2) On and from the appointed day, the Delimitation of Council Constituencies (Telangana) Order, 2014, as specified in Part II of the Third Schedule shall apply to the successor State of Telangana.

(3) The Central Government may, in consultation with the successor States of Andhra Pradesh, or as the case may be, Telangana, by notification in the Official Gazette amend the Third Schedule.

Chairman,
Deputy
Chairman and
rules of
procedure.

25. (1) The person who immediately before the appointed day is the Chairman of the Legislative Council of the existing State of Andhra Pradesh shall continue to be the Chairman of that Council on and from that day and the members of that Council shall choose from amongst the members of the Council, a member to be the Deputy Chairman of that Council.

(2) As soon as may be after the appointed day, the Deputy Chairman of the Legislative Council of the existing State of Andhra Pradesh shall become the Deputy Chairman of the Legislative Council of the successor State of Telangana and until the Chairman is chosen

by that Council, the duties of the office of Chairman shall be performed by the Deputy Chairman so appointed.

(3) The rules of procedure and conduct of business of the Legislative Council of Andhra Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Council of Telangana, subject to such modifications and adaptations as may be made therein by the Chairman thereof.

Delimitation of constituencies

26. (1) Subject to the provisions contained in article 170 of the Constitution and without prejudice to section 15 of this Act, the number of seats in the Legislative Assembly of the successor States of Andhra Pradesh and Telangana shall be increased from 175 and 119 to 225 and 153, respectively, and delimitation of the constituencies may be determined by the Election Commission in the manner hereinafter provided—

Delimitation
of
constituencies.

(a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States of Andhra Pradesh and Telangana, respectively, having regard to the relevant provisions of the Constitution;

(b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and

(c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each State referred to in clause (a) that may be necessary or expedient.

(2) In determining the matters referred to in clauses (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions, namely:—

(a) all the constituencies shall be single-member constituencies;

(b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and

(c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may by order specify, being persons who are the members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled as far as practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified; and

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette,

and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

Power of
Election
Commission
to maintain
Delimitation
Orders up-to-
date.

27. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistakes in any order made under section 26 or any error arising therein from inadvertent slip or omission; and

(b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Scheduled Castes and Scheduled Tribes

Amendment
of
Scheduled
Castes Order.

28. On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Fifth Schedule to this Act. C.O. 19.

Amendment
of
Scheduled
Tribes Order.

29. On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Sixth Schedule to this Act. C.O. 22.

PART IV

HIGH COURT

High Court of
Judicature at
Hyderabad to
be common
High Court
till
establishment
of High Court
of Andhra
Pradesh.

30. (1) On and from the appointed day,—

(a) the High Court of Judicature at Hyderabad shall be the common High Court for the State of Telangana and the State of Andhra Pradesh till a separate High Court for the State of Andhra Pradesh is constituted under article 214 of the Constitution read with section 31 of this Act;

(b) the Judges of the High Court at Hyderabad for the existing State of Andhra Pradesh holding office immediately before the appointed day shall become on that day the Judges of the common High Court.

(2) The expenditure in respect of salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Andhra Pradesh and Telangana on the basis of population ratio.

High Court of
Andhra
Pradesh.

31. (1) Subject to the provisions of section 30, there shall be a separate High Court for the State of Andhra Pradesh (hereinafter referred to as the High Court of Andhra Pradesh) and the High Court of Judicature at Hyderabad shall become the High Court for the State of Telangana (hereinafter referred to as the High Court at Hyderabad).

(2) The principal seat of the High Court of Andhra Pradesh shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Andhra Pradesh may sit at such other place or places in the State of Andhra Pradesh other than its principal seat as the Chief Justice may, with the approval of the Governor of Andhra Pradesh, appoint.

32. (1) Such of the Judges of the High Court at Hyderabad holding office immediately before the date of establishment of the High Court of Andhra Pradesh as may be determined by the President, shall, from that date cease to be Judges of the High Court at Hyderabad and become, Judges of the High Court of Andhra Pradesh.

Judges of
Andhra
Pradesh High
Court.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Andhra Pradesh shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court at Hyderabad.

33. The High Court of Andhra Pradesh shall have, in respect of any part of the territories included in the State of Andhra Pradesh, all such jurisdiction, powers and authority as, under the law in force immediately before the date referred to in sub-section (1) of section 30, are exercisable in respect of that part of the said territories by the High Court at Hyderabad.

Jurisdiction
of Andhra
Pradesh High
Court.

25 of 1961.

34. (1) On and from the date referred to in sub-section (1) of section 30, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), for the words "Rajasthan, Uttar Pradesh", the words "Rajasthan, Telangana, Uttar Pradesh" shall be substituted:

Special
provision
relating to
Bar Council
and
advocates.

25 of 1961.

(2) Any person who immediately before the date referred to in sub-section (1) of section 30 is an advocate on the roll of the Bar Council of the existing State of Andhra Pradesh and practising as an advocate in the High Court at Hyderabad, may give his option in writing, within one year from that date to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Telangana and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Telangana with effect from the date of the option so given for the purposes of the said Act, and the rules made thereunder.

(3) The persons other than the advocates who are entitled immediately before the date referred to in sub-section (1) of section 30, to practise in the High Court at Hyderabad or any subordinate court thereof shall, on and after that date, be recognised as such persons entitled also to practise in the High Court of Andhra Pradesh or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Andhra Pradesh shall be regulated in accordance with the like principles as immediately before the date referred to in sub-section (1) of section 30, are in force with respect to the right of audience in the High Court at Hyderabad.

35. Subject to the provisions of this Part, the law in force immediately before the date referred to in sub-section (1) of section 30 with respect to practice and procedure in the High Court at Hyderabad shall, with the necessary modifications, apply in relation to the High Court of Andhra Pradesh, and accordingly, the High Court of Andhra Pradesh shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before that date exercisable by the High Court at Hyderabad.

Practice and
procedure in
Andhra
Pradesh High
Court.

Provided that any rules or orders which are in force immediately before the date referred to in sub-section (1) of section 30 with respect to practice and procedure in the High Court at Hyderabad shall, until varied or revoked by rules or orders made by the High Court of Andhra Pradesh, apply with the necessary modifications in relation to practice and procedure in the High Court of Andhra Pradesh as if made by that Court.

36. The law in force immediately before the date referred to in sub-section (1) of section 30 with respect to the custody of the seal of the High Court at Hyderabad shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Andhra Pradesh.

Custody of
seal of
Andhra
Pradesh
High Court.

Form of writs
and other
processes.

37. The law in force immediately before the date referred to in sub-section (1) of section 30 with respect to the form of writs and other processes used, issued or awarded by the High Court at Hyderabad shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Andhra Pradesh.

Powers of
Judges.

38. The law in force immediately before the date referred to in sub-section (1) of section 30 relating to the powers of the Chief Justice, single Judges and division courts of the High Court at Hyderabad and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Andhra Pradesh.

Procedure as
to appeals to
Supreme
Court.

39. The law in force immediately before the date referred to in sub-section (1) of section 30 relating to appeals to the Supreme Court from the High Court at Hyderabad and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Andhra Pradesh.

Transfer of
proceedings
from
Hyderabad
High Court to
Andhra
Pradesh
High Court.

40. (1) Except as hereinafter provided, the High Court at Hyderabad shall, as from the date referred to in sub-section (1) of section 30, have no jurisdiction in respect of the State of Andhra Pradesh.

(2) Such proceedings pending in the High Court at Hyderabad immediately before the date referred to in sub-section (1) of section 30 as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Andhra Pradesh shall, as soon as may be after such certification, be transferred to the High Court of Andhra Pradesh.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 33, but save as hereinafter provided, the High Court at Hyderabad shall have, and the High Court of Andhra Pradesh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Hyderabad before the date referred to in sub-section (1) of section 30:

Provided that if after any such proceedings have been entertained by the High Court at Hyderabad, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Andhra Pradesh, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Hyderabad—

(a) before the date referred to in sub-section (1) of section 30, in any proceedings transferred to the High Court of Andhra Pradesh by virtue of sub-section (2), or

(b) in any proceedings with respect to which the High Court at Hyderabad retains jurisdiction by virtue of sub-section (3),

shall for all purposes have effect, not only as an order of the High Court at Hyderabad, but also as an order made by the High Court of Andhra Pradesh.

Right to
appear or to
act in
proceedings
transferred to
Andhra
Pradesh
High Court.

41. Any person who, immediately before the date referred to in sub-section (1) of section 30, is an advocate entitled to practise or any other persons entitled to practise in the High Court at Hyderabad and was authorised to appear in any proceedings transferred from that High Court to the High Court of Andhra Pradesh under section 40, shall have the right to appear in the High Court of Andhra Pradesh in relation to those proceedings.

42. For the purposes of section 40,—

Interpretation.

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division-court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

43. Nothing in this Part shall affect the application to the High Court of Andhra Pradesh of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the date referred to in sub-section (1) of section 30 with respect to that High Court by any Legislature or other authority having power to make such provision.

Savings.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

44. The Governor of existing State of Andhra Pradesh may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Telangana as he deems necessary for any period not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Telangana:

Authorisation of expenditure of Telangana State.

Provided that the Governor of Telangana may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Telangana for any period not extending beyond the said period of six months.

45. (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Andhra Pradesh in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor States of Andhra Pradesh and Telangana who shall cause them to be laid before the Legislature of that State.

Reports relating to accounts of Andhra Pradesh State.

(2) The President may by order—

(a) declare any expenditure incurred out of the Consolidated Fund of Andhra Pradesh on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and

(b) provide for any action to be taken on any matter arising out of the said reports.

46. (1) The award made by the Thirteenth Finance Commission to the existing State of Andhra Pradesh shall be apportioned between the successor States by the Central Government on the basis of population ratio and other parameters:

Distribution of revenue.

Provided that on the appointed day, the President shall make a reference to the Fourteenth Finance Commission to take into account the resources available to the successor States and make separate awards for each of the successor States.

(2) Notwithstanding anything in sub-section (1), the Central Government may, having regard to the resources available to the successor State of Andhra Pradesh, make appropriate grants and also ensure that adequate benefits and incentives in the form of special development package are given to the backward areas of that State.

(3) The Central Government shall, while considering the special development package for the successor State of Andhra Pradesh, provide adequate incentives, in particular for Rayalaseema and north coastal regions of that State.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

Application
of Part.

47. (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the existing State of Andhra Pradesh immediately before the appointed day.

(2) The successor States shall be entitled to receive benefits arising out of the decisions taken by the existing State of Andhra Pradesh and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Andhra Pradesh.

(3) The apportionment of assets and liabilities shall be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by the Central Government on the advice of the Comptroller and Auditor-General of India.

Land and
goods.

48. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Andhra Pradesh shall,—

(a) if within the transferred territory, pass to the State of Telangana; or

(b) in any other case, remain the property of the State of Andhra Pradesh:

Provided that in case of properties situated outside the existing State of Andhra Pradesh, such properties shall be apportioned between the successor States on the basis of population ratio:

Provided further that where the Central Government is of opinion that any goods or class of goods should be distributed among the States of Andhra Pradesh and Telangana, otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly:

Provided also that in case of any dispute relating to the distribution of any goods or class of goods under this sub-section, the Central Government shall endeavour to settle such dispute through mutual agreement arrived at between the Governments of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the successor States, after consulting the Governments of the successor States, issue such direction as it may deem fit for the distribution of such goods or class of goods, as the case may be, under this sub-section.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Andhra Pradesh shall be divided between the successor States on the basis of population ratio.

(4) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

Treasury and
bank balances.

49. The total of the cash balances in all treasuries of the existing State of Andhra Pradesh and the credit balances of the existing State of Andhra Pradesh with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Andhra Pradesh and Telangana on the basis of population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Telangana has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

50. The right to recover arrears of the tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

Arrears of taxes.

51. (1) The right of the existing State of Andhra Pradesh to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

Right to recover loans and advances.

(2) The right of the existing State of Andhra Pradesh to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Andhra Pradesh:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Andhra Pradesh and Telangana on the basis of population ratio.

52. (1) The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Andhra Pradesh as specified in the Seventh Schedule shall be apportioned on the basis of population ratio of the successor States:

Investments and credits in certain funds.

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Andhra Pradesh shall be divided in the ratio of the area of the territories occupied by the successor States.

(2) The investments of the existing State of Andhra Pradesh immediately before the appointed day in any special fund, the objects of which are confined to a local area, shall belong to the State in which that area is included on the appointed day:

Provided that the investments in such special funds on multiple entities situated in different parts of the existing State, and such parts fall within the territories of the States of Andhra Pradesh and Telangana, shall be apportioned between the successor States on the basis of population ratio.

(3) The investments of the existing State of Andhra Pradesh immediately before the appointed day in any private, commercial or industrial undertaking, the objects of which are confined to a local area, shall belong to the successor State in which such area is included on the appointed day:

Provided that investments in such entities, having multiple units situated in different parts of the existing State, and such parts fall within the territories of the States of Andhra Pradesh and Telangana, shall be apportioned between the successor States on the basis of population ratio.

(4) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Andhra Pradesh or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the existing State of Andhra Pradesh made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the States of Andhra Pradesh and Telangana in the same proportion in which the assets of the body corporate are divided under the provisions of this Part.

53. (1) The assets and liabilities relating to any commercial or industrial undertaking of the existing State of Andhra Pradesh, where such undertaking or part thereof is exclusively located in, or its operations are confined to, a local area, shall pass to the State in which that area is included on the appointed day, irrespective of the location of its headquarters:

Assets and liabilities of State undertakings.

Provided that where the operation of such undertaking becomes inter-State by virtue of the provisions of Part II, the assets and liabilities of—

(a) the operational units of the undertaking shall be apportioned between the two successor States on location basis; and

(b) the headquarters of such undertaking shall be apportioned between the two successor States on the basis of population ratio.

(2) Upon apportionment of the assets and liabilities, such assets and liabilities shall be transferred in physical form on mutual agreement or by making payment or adjustment through any other mode as may be agreed to by the successor States.

Public Debt.

54. (1) All liabilities on account of Public Debt and Public Account of the existing State of Andhra Pradesh outstanding immediately before the appointed day shall be apportioned on the basis of population ratio of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government on the advice of the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Andhra Pradesh shall continue to be the liabilities of the successor State of Andhra Pradesh.

(3) The liability on account of loan raised from any source and re-lent by the existing State of Andhra Pradesh to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The public debt of the existing State of Andhra Pradesh attributable to loan taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall,—

(a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or

(b) if re-lent to any other corporation or institution which becomes an inter-State corporation or institution on the appointed day, be divided between the States of Andhra Pradesh and Telangana in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Andhra Pradesh for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Andhra Pradesh and Telangana in the same proportion in which the total public debt is divided between the two States under this section.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under, clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944.

Floating Debt.

55. All liabilities of the existing State of Andhra Pradesh in respect of any floating loan to provide short term finance to any local body, body corporate or other institution, shall be determined on the following basis, namely:—

(a) if, the purposes of the floating loan are, on and from the appointed day, exclusive purposes of either of the successor States, then, of that State;

(b) in any other case, it shall be divided on the basis of population ratio.

56. (1) The liability of the existing State of Andhra Pradesh to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Andhra Pradesh to refund any other tax or duty collected in excess shall be apportioned between the Successor States of Andhra Pradesh and Telangana on the basis of population ratio and the State discharging the liability shall be entitled to receive from the other State its share of the liability, if any.

Refund of
taxes
collected
in excess.

(2) The liability of the existing State of Andhra Pradesh to refund any other tax or duty collected in excess on the appointed day shall be the liability of the successor State in whose territories the place of assessment of such tax or duty is included, and the liability of the existing State of Andhra Pradesh to refund any other tax or duty collected in excess shall be apportioned between the Successor States of Andhra Pradesh and Telangana on the basis of population ratio and the State discharging the liability shall be entitled to receive from the other State its share of the liability, if any.

57. (1) The liability of the existing State of Andhra Pradesh in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the successor State in whose area the deposit has been made.

Deposits, etc.

(2) The liability of the existing State of Andhra Pradesh in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the successor State in whose area the institution entitled to the benefit of the endowment is located or of the successor State to which the objects of the endowment, under the terms thereof, are confined:

Provided that any civil deposits or loan funds or charitable or other endowment fund maintained by the existing State of Andhra Pradesh before the appointed day having jurisdiction over the entire State shall be apportioned between the successor States on the basis of population ratio.

58. The liability of the existing State of Andhra Pradesh in respect of the Provident Fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the successor State to which that Government servant is permanently allotted.

Provident
Fund.

59. The liability of the existing State of Andhra Pradesh in respect of pensions shall pass to, or be apportioned between, the successor States of Andhra Pradesh and Telangana in accordance with the provisions contained in the Eighth Schedule to this Act.

Pensions.

60. (1) Where, before the appointed day, the existing State of Andhra Pradesh has made any contract in the exercise of its executive power for any purposes of the State, that contract shall,—

Contracts.

(a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Andhra Pradesh and Telangana, then it shall be deemed to have been made in exercise of the executive power of that State and the liability shall be discharged by that State; and

(b) in any other case, all rights and liabilities which have accrued or may accrue under any such contract shall be apportioned between the successor States on the basis of population ratio or in any other manner as may be agreed to by the successor States.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and the bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

Liability in respect of actionable wrong.

61. Where, immediately before the appointed day, the existing State of Andhra Pradesh is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

(a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Andhra Pradesh or Telangana, be the liability of that State; and

(b) in any other case, be apportioned between the successor States on the basis of population ratio or in any other manner as may be agreed to by the successor States.

Liability as guarantor.

62. Where, immediately before the appointed day, the existing State of Andhra Pradesh is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability shall,—

(a) if the area of operations of such society or persons is confined to the territories which, as from that day, are the territories of either of the States of Andhra Pradesh or Telangana, be a liability of that State; and

(b) in any other case, be apportioned between the successor States on the basis of population ratio or in any other manner as may be agreed to by the successor States.

Items in suspense.

63. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Residuary provision.

64. The benefit or burden of any asset or liability of the existing State of Andhra Pradesh not dealt with in the foregoing provisions of this Part shall pass to the State of Andhra Pradesh in the first instance, subject to such financial adjustment as may be agreed upon between the States of Andhra Pradesh and Telangana or, in default of such agreement, as the Central Government may, by order, direct.

Apportionment of assets or liabilities by agreement.

65. Where the successor States of Andhra Pradesh and Telangana agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Power of Central Government to order allocation or adjustment in certain cases.

66. Where, by virtue of any of the provisions of this Part, either of the successor States of Andhra Pradesh and Telangana becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that such property or those benefits should be transferred to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order, determine.

Certain expenditure to be charged on Consolidated Fund.

67. All sums payable by the State of Andhra Pradesh or by the State of Telangana, as the case may be, to the other State, or by the Central Government to the successor States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

68. (1) The companies and corporations specified in the Ninth Schedule constituted for the existing State of Andhra Pradesh shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section.

Provisions for various companies and corporations.

(2) The assets, rights and liabilities of the companies and corporations referred to in sub-section (1) shall be apportioned between the successor States in the manner provided in section 53.

69. If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it is, by virtue of the provisions of Part II, outside the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may, after consultation with the Governments of the successor States wherever necessary, give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement and the State to which such directions are given shall comply with them.

Continuance of arrangements in regard to generation and supply of electric power and supply of water.

63 of 1951.

70. (1) The Andhra Pradesh State Financial Corporation established under the State Financial Corporations Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

Provisions as to Andhra Pradesh State Financial Corporation.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court of Andhra Pradesh or the High Court of Telangana as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the States of Andhra Pradesh and Telangana from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporations Act, 1951.

63 of 1951.

Certain provisions for companies.

71. Notwithstanding anything in this Part, the Central Government may, for each of the companies specified in the Ninth Schedule to this Act, issue directions—

(a) regarding the division of the interests and shares of the existing State of Andhra Pradesh in the Company between the successor States;

(b) requiring the reconstitution of the Board of Directors of the Company so as to give adequate representation to the successor States.

Temporary provisions as to continuance of certain existing road transport permits.

72. (1) Notwithstanding anything contained in section 88 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Andhra Pradesh or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day till its period of validity subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of Telangana or any Regional Transport Authority therein for the purpose of validating it for use in such area:

59 of 1988.

Provided that the Central Government may, after consultation with the successor State Government or Governments concerned add to amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be:

Provided further that the provisions of this sub-section shall not be applicable where any such tolls, entrance fees or other charges of a like nature are leviable for the use of any road or bridge which is constructed or developed for commercial purpose by the State Government, an undertaking of the State Government, a joint undertaking in which the State Government is a shareholder or the private sector.

Special provisions relating to, retrenchment compensation in certain cases.

73. Where on account of the reorganisation of the existing State of Andhra Pradesh under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by, any other body corporate, or in any other co-operative society or undertaking, then, notwithstanding anything contained in section 25F or section 25FF or section 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

14 of 1947.

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;

(b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment,

14 of 1947. compensation under section 25F or section 25FF or section 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

43 of 1961. 74. Where the assets, rights and liabilities of any body corporate carrying on business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first-mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which those losses were sustained.

Special provision as to income-tax.

75. (1) The Government of the State of Andhra Pradesh or the State of Telangana, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day; for such period and upon such terms and conditions as may be agreed upon between the two State Governments within a period of one year from the appointed day or, if no agreement is reached within the said period, as may be fixed by order of the Central Government.

Continuance of facilities in certain State institutions.

(2) The Central Government may, at any time within one year from the appointed day, by notification in the Official Gazette, specify in the Tenth Schedule referred to in sub-section (1) any other institution existing on the appointed day in the States of Andhra Pradesh and Telangana and, on the issue of such notification, such Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

76. (1) In this section, the expression "State cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954; and

(c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

Provisions relating to All-India Services.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Andhra Pradesh, there shall, on and from the appointed day, be two separate cadres, one for the State of Andhra Pradesh and the other for the State of Telangana in respect of each of these services.

(3) The provisional strength, composition and allocation of officers to the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine on or after the appointed day.

(4) The members of each of the said services borne on the Andhra Pradesh cadre immediately before the appointed day shall be allocated to the successor State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

61 of 1951. (5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Services Act, 1951, or the rules made thereunder.

Provisions
relating to
other
services.

77. (1) Every person who immediately before the appointed day is serving on substantive basis in connection with the affairs of the existing State of Andhra Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Andhra Pradesh unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Telangana:

Provided that every direction under this sub-section issued after the expiry of a period of one year from the appointed day shall be issued with the consultation of the Governments of the successor States:

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service, after consideration of option received by seeking option from the employees, and the date with effect from which such allotment shall take effect or be deemed to have taken effect:

Provided that even after the allocation has been made, the Central Government may, in order to meet any deficiency in the service, depute officers of other State services from one successor State to the other:

Provided further that as far as local, district, zonal and multi-zonal cadres are concerned, the employees shall continue to serve, on or after the appointed day, in that cadre:

Provided also that the employees of local, district, zonal and multi-zonal cadres which fall entirely in one of the successor States, shall be deemed to be allotted to that successor State:

Provided also that if a particular zone or multi-zone falls in both the successor States, then the employees of such zonal or multi-zonal cadre shall be finally allotted to one or the other successor States in terms of the provisions of this sub-section.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein, be made available for serving in the successor State from such date as may be agreed upon between the Governments of the successor States or, in default of such agreement, as may be determined by the Central Government:

Provided that the Central Government shall have the power to review any of its orders issued under this section.

Other
provisions
relating to
services.

78. (1) Nothing in this section or in section 77 shall be deemed to affect, on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Andhra Pradesh or to the State of Telangana under section 77 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person,—

(a) if he is deemed to have been allocated to any State under section 77, shall be deemed to have been rendered in connection with the affairs of that State;

(b) if he is deemed to have been allocated to the Union in connection with the administration of the successor State of Telangana, shall be deemed to have been rendered in connection with the affairs of the Union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 77 shall not apply in relation to members of any All-India Service.

79. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing State of Andhra Pradesh in any area which on that day falls within one of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, that successor State:

Provisions as to continuance of officers in same post.

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

80. (1) The Central Government may, by order, establish one or more Advisory Committees, within a period of thirty days from the date of enactment of the Andhra Pradesh Reorganisation Act, 2014, for the purpose of assisting it in regard to—

Advisory committees.

(a) the discharge of any of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

(2) The allocation guidelines shall be issued by the Central Government on or after the date of enactment of the Andhra Pradesh Reorganisation Act, 2014 and the actual allocation of individual employees shall be made by the Central Government on the recommendations of the Advisory Committee:

Provided that in case of disagreement or conflict of opinion, the decision of the Central Government shall be final:

Provided further that necessary guidelines as and when required shall be framed by the Central Government or as the case may be, by the State Advisory Committee which shall be approved by the Central Government before such guidelines are issued.

81. The Central Government may give such directions to the State Government of Andhra Pradesh and the State Government of Telangana as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Governments shall comply with such directions.

Power of Central Government to give directions.

82. On and from the appointed day, the employees of State Public Sector Undertakings, corporations and other autonomous bodies shall continue to function in such undertaking, corporation or autonomous bodies for a period of one year and during this period the corporate body concerned shall determine the modalities for distributing the personnel between the two successor States.

Provision for employees of Public Sector Undertakings, etc.

83. (1) The Public Service Commission for the existing State of Andhra Pradesh shall, on and from the appointed day, be the Public Service Commission for the State of Andhra Pradesh.

Provisions as to State Public Service Commission.

(2) There shall be constituted a Public Service Commission in accordance with article 315 of the Constitution by the successor State of Telangana, and until such Commission is constituted, the Union Public Service Commission may, with the approval of the President, agree to serve the needs of the State of Telangana in terms clause (4) of that article.

(3) The persons holding office immediately before the appointed day as the Chairman or other member of the Public Service Commission for the existing State of Andhra Pradesh shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the Public Service Commission for the State of Andhra Pradesh.

(4) Every person who becomes the Chairman or other member of the Public Service Commission for the State of Andhra Pradesh on the appointed day under sub-section (3) shall—

(a) be entitled to receive from the Government of the State of Andhra Pradesh conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(5) The report of the Andhra Pradesh Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Andhra Pradesh and Telangana and the Governor of the State of Andhra Pradesh shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Andhra Pradesh and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Telangana.

PART IX

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

Apex Council for Godavari and Krishna river water resources and their Management Boards.

84. (1) The Central Government shall, on and from the appointed day, constitute an Apex Council for the supervision of the functioning of the Godavari River Management Board and Krishna River Management Board.

(2) The Apex Council shall consist of—

- (a) Minister of Water Resources, Government of India—Chairperson;
- (b) Chief Minister of State of Andhra Pradesh—Member;
- (c) Chief Minister of State of Telangana—Member.

(3) The functions of the Apex Council shall include—

(i) supervision of the functioning of the Godavari River Management Board and Krishna River Management Board;

(ii) planning and approval of proposals for construction of new projects, if any, based on Godavari or Krishna river water, after getting the proposal appraised and recommended by the River Management Boards and by the Central Water Commission, wherever required;

(iii) resolution of any dispute amicably arising out of the sharing of river waters through negotiations and mutual agreement between the successor States;

(iv) reference of any disputes not covered under Krishna Water Disputes Tribunal, to a Tribunal to be constituted under the Inter-State River Water Disputes Act, 1956.

33 of 1956.

Constitution and functions of River Management Board.

85. (1) The Central Government shall constitute two separate Boards to be called the Godavari River Management Board and Krishna River Management Board (to be known as the Board), within a period of sixty days from the appointed day, for the administration, regulation, maintenance and operation of such projects, as may be notified by the Central Government from time to time.

(2) The headquarters of Godavari River Management Board shall be located in the successor State of Telangana and of the Krishna River Management Board shall be located in the successor State of Andhra Pradesh.

(3) The Godavari River Management Board and Krishna River Management Board shall be autonomous bodies under the administrative control of the Central Government, and shall comply with such directions as may, from time to time, be given to them by the Central Government.

(4) Each Board shall consist of the following Chairperson and Members, namely:—

- (a) a Chairperson not below the rank or level of Secretary or Additional Secretary to the Government of India to be appointed by the Central Government;

(b) two members, to be nominated by each of the successor States, of which one shall be the technical member not below the rank of Chief Engineer and the other administrative member to represent the concerned States;

(c) one expert to be nominated by the Central Government.

(5) Each Board shall have a full-time Member Secretary, not below the rank of Chief Engineer in the Central Water Commission, to be appointed by the Central Government.

(6) The Central Government shall create such number of posts of the rank of Chief Engineer in the Central Water Commission, as it considers necessary.

50 of 1968.

(7) Each Board shall be assisted in the day to day management of reservoirs by the Central Industrial Security Force constituted under the Central Industrial Security Force Act, 1968, on such terms and conditions as the Central Government may specify.

(8) The functions of each Board shall include—

(a) the regulation of supply of water from the projects to the successor States having regard to—

33 of 1956.

(i) awards granted by the Tribunals constituted under the Inter-State River Water Disputes Act, 1956;

(ii) any agreement entered into or arrangement made covering the Government of existing State of Andhra Pradesh and any other State or Union territory;

(b) the regulation of supply of power generated to the authority in-charge of the distribution of power having regard to any agreement entered into or arrangement made covering the Government of the existing State of Andhra Pradesh and any other State or Union territory;

(c) the construction of such of the remaining on-going or new works connected with the development of the water resources projects relating to the rivers or their tributaries through the successor States as the Central Government may specify by notification in the Official Gazette;

33 of 1956.

(d) making an appraisal of any proposal for construction of new projects on Godavari or Krishna rivers and giving technical clearance, after satisfying that such projects do not negatively impact the availability of water as per the awards of the Tribunals constituted under the Inter-State River Water Disputes Act, 1956 for the projects already completed or taken up before the appointed day; and

(e) such other functions as the Central Government may entrust to it on the basis of the principles specified in the Eleventh Schedule.

86. (1) The Board shall employ such staff as it may consider necessary for the efficient discharge of its functions under this Act and such staff shall, at the first instance, be appointed on deputation from the successor States in equal proportion and absorbed permanently in the Board.

Staff of the
Management
Board.

(2) The Government of the successor States shall at all times provide the necessary funds to the Board to meet all expenses (including the salaries and allowances of the staff) required for the discharge of its functions and such amounts shall be apportioned between the States concerned in such proportion as the Central Government may, having regard to the benefits to each of the said States, specify.

(3) The Board may delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(4) The Central Government may, for the purpose of enabling the Board to function efficiently, issue such directions to the State Governments concerned, or any other authority, and the State Governments, or the other authority, shall comply with such directions.

Jurisdiction of Board.

87. (1) The Board shall ordinarily exercise jurisdiction on Godavari and Krishna rivers in regard to any of the projects over headworks (barrages, dams, reservoirs, regulating structures), part of canal network and transmission lines necessary to deliver water or power to the States concerned, as may be notified by the Central Government, having regard to the awards, if any, made by the Tribunals constituted under the Inter-State River Water Disputes Act, 1956.

33 of 1956.

(2) If any question arises as to whether the Board has jurisdiction under sub-section (1) over any project referred thereto, the same shall be referred to the Central Government for decision thereon.

Power of Board to make regulations.

88. The Board may make regulations consistent with the Act and the rules made thereunder, to provide for—

(a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;

(b) delegation of powers and duties of the Chairman or any officer of the Board;

(c) the appointment and regulation of the conditions of service of the officers and other staff of the Board;

(d) any other matter for which regulations are considered necessary by the Board.

Allocation of water resources.

89. The term of the Krishna Water Disputes Tribunal shall be extended with the following terms of reference, namely:—

(a) shall make project-wise specific allocation, if such allocation have not been made by a Tribunal constituted under the Inter-State River Water Disputes Act, 1956; — 33 of 1956.

(b) shall determine an operational protocol for project-wise release of water in the event of deficit flows.

Explanation.— For the purposes of this section, it is clarified that the project specific awards already made by the Tribunal on or before the appointed day shall be binding on the successor States.

Polavaram Irrigation Project to be a national project.

90. (1) The Polavaram Irrigation Project is hereby declared to be a national project.

(2) It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of the Polavaram Irrigation Project for the purposes of irrigation.

(3) The consent for Polavaram Irrigation Project shall be deemed to have been given by the successor State of Telangana.

(4) The Central Government shall execute the project and obtain all requisite clearances including environmental, forests, and rehabilitation and resettlement norms.

Arrangements on Tungabhadra Board.

91. (1) The Governments of the successor States of Andhra Pradesh and Telangana shall replace the existing State of Andhra Pradesh on the Tungabhadra Board.

(2) The Tungabhadra Board shall continue to monitor the release of water to High Level Canal, Low Level Canal and Rajolibanda Diversion Scheme.

PART X

INFRASTRUCTURE AND SPECIAL ECONOMIC MEASURES

Successor States to follow principles, guidelines, etc., issued by Central Government.

92. The principles, guidelines, directions and orders issued by the Central Government, on and from the appointed day, on matters relating to coal, oil and natural gas, and power generation, transmission and distribution as enumerated in the Twelfth Schedule shall be implemented by the successor States.

93. The Central Government shall take all necessary measures as enumerated in the Thirteenth Schedule for the progress and sustainable development of the successor States within a period of ten years from the appointed day.

Measures for progress and development of successor States.

94. (1) The Central Government shall take appropriate fiscal measures, including offer of tax incentives, to the successor States, to promote industrialisation and economic growth in both the States.

Fiscal measures including tax incentives.

(2) The Central Government shall support the programmes for the development of backward areas in the successor States, including expansion of physical and social infrastructure.

(3) The Central Government shall provide special financial support for the creation of essential facilities in the new capital of the successor State of Andhra Pradesh including the Raj Bhawan, High Court, Government Secretariat, Legislative Assembly, Legislative Council, and such other essential infrastructure.

(4) The Central Government shall facilitate the creation of a new capital for the successor State of Andhra Pradesh, if considered necessary, by denotifying degraded forest land.

PART XI

ACCESS TO HIGHER EDUCATION

95. In order to ensure equal opportunities for quality higher education to all students in the successor States, the existing admission quotas in all government or private, aided or unaided, institutions of higher, technical and medical education in so far as it is provided under article 371D of the Constitution, shall continue as such for a period of ten years during which the existing common admission process shall continue.

Equal opportunities for quality higher education to all students.

PART XII

LEGAL AND MISCELLANEOUS PROVISIONS

96. In sub-clause (a) of clause (1) of article 168 of the Constitution, for the word "Tamil Nadu", the words "Tamil Nadu, Telangana" shall be substituted.

Amendment of article 168 of the Constitution.

97. On and from the appointed day, in article 371D of the Constitution,—

Amendment of article 371D of the Constitution.

(a) in the marginal heading, for the words "the State of Andhra Pradesh", the words "the State of Andhra Pradesh or the State of Telangana" shall be substituted;

(b) for clause (1), the following clause shall be substituted, namely:—

"(1) The President may by order made with respect to the State of Andhra Pradesh or the State of Telangana, provide, having regard to the requirement of each State, for equitable opportunities and facilities for the people belonging to different parts of such State, in the matter of public employment and in the matter of education, and different provisions may be made for various parts of the States:";

(c) in clause (3), for the words "the State of Andhra Pradesh", the words "the State of Andhra Pradesh and for the State of Telangana" shall be substituted.

16 of 2010.

98. In section 15A of the Representation of the People Act, 1951, after the words and figures "under the Tamil Nadu Legislative Council Act, 2010", the words and figures "and constituting the Legislative Council of the State of Telangana under the Andhra Pradesh Reorganisation Act, 2014" shall be inserted.

Amendment of section 15A of Act 43 of 1951.

99. On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (e), for the words "Andhra Pradesh", the words "Andhra Pradesh and Telangana" shall be substituted.

Amendment of section 15 of Act 37 of 1956.

Territorial
extent of
laws.

100. The provisions of Part II shall not be deemed to have affected any change in the territories to which the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and any other law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Andhra Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Andhra Pradesh before the appointed day.

Andhra
Pradesh Act
No. 1 of
1973.

Power to
adapt laws.

101. For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.— In this section, the expression “appropriate Government” means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

Power to
construe laws.

102. Notwithstanding that no provision or insufficient provision has been made under section 102 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Andhra Pradesh or the State of Telangana, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to
name
authorities,
etc., for
exercising
statutory
functions.

103. The Government of the State of Telangana, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Legal
proceedings.

104. Where, immediately before the appointed day, the existing State of Andhra Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the States of Andhra Pradesh and Telangana under this Act, the State of Andhra Pradesh or the State of Telangana which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Andhra Pradesh or added as a party to those proceedings, and the proceedings may continue accordingly.

Transfer of
pending
proceedings.

105. (1) Every proceeding pending immediately before the appointed day before a court (other than High Court), tribunal, authority or officer in any area which on that day falls within the State of Andhra Pradesh shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of the State of Telangana, stand transferred to the corresponding court, tribunal, authority or officer of that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1) it shall be referred to the High Court at Hyderabad and the decision of that High Court shall be final.

(3) In this section—

(a) “proceeding” includes any suit, case or appeal; and

(b) “corresponding court, tribunal authority or officer” in the State of Telangana means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority, or officer in that State, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Andhra Pradesh to be the corresponding court, tribunal, authority or officer.

106. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate court in the existing State of Andhra Pradesh shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Telangana.

Right of
pleaders to
practise in
certain cases.

107. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of
provisions of
the Act
inconsistent
with other
laws..

108. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

THE FIRST SCHEDULE

(See section 13)

(i) Of the five sitting members whose term of office will expire on 9th April, 2014, namely, Shri T. Subbarami Reddy, Shri Nandi Yellaiah, Shri Mohammed Ali Khan, Smt. T. Ratna Bai and Shri K.V.P. Ramachandra Rao, such two as the Chairman of the Council of States may determine by drawing lots shall be deemed to have been elected to fill two of the seven seats allotted to the State of Telangana and the other three sitting members shall be deemed to have been elected to fill three of the eleven seats allotted to the State of Andhra Pradesh.

(ii) Of the six sitting members whose term of office will expire on 21st June, 2016, namely, Shri Jesudasu Seelam, Shri Jairam Ramesh, Shri N. Janardhana Reddy, Shri V. Hanumantha Rao, Smt. Gundu Sudharani and Shri Y.S. Chowdary, such two as the Chairman of the Council of States may determine by drawing lots shall be deemed to have been elected to fill two of the seats allotted to the State of Telangana and the other four sitting members shall be deemed to have been elected to fill four of the seats allotted to the State of Andhra Pradesh.

(iii) Of the six sitting Members representing the State of Andhra Pradesh whose term of office will expire on 2nd April, 2018, namely, Shri Ananda Baskar Rapolu, Shri K. Chiranjeevi, Shri Palvai Govardhana Reddy, Smt. Renuka Chowdhury, Shri T. Devender Goud and Shri C.M. Ramesh, such three as the Chairman of the Council of States may determine by drawing lots shall be deemed to have been elected to fill three of the seats allotted to the State of Telangana and the other three sitting members shall be deemed to have been elected to fill the three of the seats allotted to the State of Andhra Pradesh.

(iv) The term of one seat which is to expire on 9th April, 2014 and has become vacant due to resignation of Shri Nandamuri Harikrishna on 22nd August, 2014, shall be allotted to the State of Andhra Pradesh.

THE SECOND SCHEDULE

(See section 15)

AMENDMENTS TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY
CONSTITUENCIES ORDER, 2008

In the Delimitation of Parliamentary and Assembly Constituency Order, 2008,—

1. In Schedule I,—

(i) for serial number 1 relating to Andhra Pradesh and the entries relating thereto, the following shall be substituted, namely:—

Serial Number and Name of the State/Union Territory	Number of seats in the House as constituted on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
"1. Andhra Pradesh	42	6	2	25	4	1";

(ii) after serial number 24 relating to Tamil Nadu and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5	6	7
"25. Telangana	-	-	-	17	3	2";

(iii) serial numbers 25 to 28 shall be renumbered as serial numbers 26 to 29, respectively.

2. In Schedule II,—

(iv) for serial number 1 relating to Andhra Pradesh and the entries relating thereto, the following shall be substituted, namely:—

Serial Number and Name of the State/Union Territory	Number of seats in the House as constituted on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
"1. Andhra Pradesh	294	39	15	175	29	7";

(v) after serial number 24 relating to Tamil Nadu and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5	6	7
"25. Telangana	-	-	-	119	19	12";

(vi) serial numbers 25 to 28 shall be renumbered as serial numbers 26 to 29, respectively.

3. For Schedule III, the following shall be substituted, namely:—

**"SCHEDULE—III
ANDHRA PRADESH
TABLE A—ASSEMBLY CONSTITUENCIES**

Sl.No. & Name	Extent of Assembly Constituencies
1	2
1—DISTRICT: SRIKAKULAM	
1. Ichchapuram	Kanchili, Ichchapuram, Kaviti and Sompeta Mandals.
2. Palasa	Palasa, Mandasa and Vajrapukothuru Mandals.
3. Tekkali	Nandigam, Tekkali, Santhabommali and Kotabommali Mandals.
4. Pathapatnam	Pathapatnam, Meliaputti, L.N. Pet, Kothur and Hiramandalam Mandals.
5. Srikakulam	Gara and Srikakulam Mandals.
6. Amadalavalasa	Amadalavalasa, Ponduru, Sarubujjili and Burja Mandals.
7. Etcherla	G. Sigadam, Laveru, Ranastalam and Etcherla Mandals.
8. Narasannapeta	Jalumuru, Narasannapeta, Saravakota and Polaki Mandals.
9. Rajam (SC)	Vangara, Regidi Amadalavalasa, Rajam and Santhakaviti Mandals.
10. Palakonda (ST)	Seethampeta, Bhamini, Palakonda and Veeraghattam Mandals.
2—DISTRICT: VIZIANAGARAM	
11. Kurupam (ST)	Kurupam, Gummalakshmipuram, Jiyyammavalasa, Komarada and Garugubilli Mandals.
12. Parvathipuram (SC)	Parvathipuram, Seethanagaram and Balijipeta Mandals.
13. Salur (ST)	Salur, Pachipenta, Mentada and Makkuva Mandals.
14. Bobbili	Bobbili, Rapabhadrapuram, Badangi and Therlam Mandals.
15. Cheepurupalli	Merakamudidam, Garividi, Cheepurupalli and Gurla Mandals.
16. Gajapathinagaram	Gajapathinagaram, Bondapalli, Gantyada and Dattirajeru Mandals; and Vizinigiri, Thandrangi, Jannivalasa, Venne, Sasanapalli, Attada, Bheemasingi, Somayajulapalem, Lotlapalli, Mokhasa Kothavalasa, Kumaram and Annamrajuveta villages of Jami Mandal.
17. Nellimarla	Nellimarla, Pusapatirega, Denkada and Bhogapuram Mandals.
18. Vizianagaram	Vizianagaram Mandal.
19. Srungavarapukota	Srungavarapukota, Vepada, Lakkavarapukota and Kothavalasa Mandals; and Jami Mandal (Except 12 villages i.e. Vizinigiri, Thandrangi, Jannivalasa, Venne, Sasanapalli, Attada, Bheemasingi, Somayajulapalem, Lotlapalli, Mokhasa Kothavalasa, Kumaram and Annamrajuveta).

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2

3—DISTRICT: VISAKHAPATNAM

- | | | |
|-----|----------------------------|---|
| 20. | Bhimili | Anandapuram, Padmanabham, Bheemunipatnam and Visakhapatnam Rural Mandals. |
| 21. | Visakhapatnam East | Visakhapatnam (Urban) Mandal (Part) Visakhapatnam (M Corp.)—Ward No.1 to 11 and 53 to 55. |
| 22. | Visakhapatnam South | Visakhapatnam (Urban) Mandal (Part) Visakhapatnam (M Corp.)—Ward No.12 to 34, 42 to 43 and 46 to 48. |
| 23. | Visakhapatnam North | Visakhapatnam (Urban) Mandal (Part) Visakhapatnam (M Corp.)—Ward No.36 to 41, 44 to 45 and 49 to 52. |
| 24. | Visakhapatnam West | Visakhapatnam (Urban) Mandal (Part) Visakhapatnam (M Corp.)—Ward No.35 and 56 to 71. |
| 25. | Gajuwaka | Gajuwaka Mandal (Including Gajuwaka Municipality). |
| 26. | Chodavaram | Chodavaram, Butchayyapeta, Ravikamatham and Rolugunta Mandals. |
| 27. | Madugula | Madugula, Cheedikada, Devarapalle and K. Kotapadu Mandals. |
| 28. | Araku Valley (ST) | Munchingiputtu, Pedabayalu, Dumbriguda, Araku Valley, Hukumpeta and Ananthagiri Mandals. |
| 29. | Paderu (ST) | Paderu, G. Madugula, Chintapalle, Gudem Kotha Veedhi and Koyyuru Mandals. |
| 30. | Anakapalle | Kasimkota and Anakapalle Mandals. |
| 31. | Pendurthi | Pedagantyada (excluding areas included in Gajuwaka Municipality), Paravada, Sabbavaram and Pendurthi Mandals. |
| 32. | Yelamanchili | Rambilli, Munagapaka, Atchutapuram and Yelamanchili Mandals. |
| 33. | Payakaraopet (SC) | Kotauratla, Nakkapalle, Payakaraopeta and S. Rayavaram Mandals. |
| 34. | Narsipatnam | Nathavaram, Golugonda, Narsipatnam and Makavarapalem Mandals. |

4—DISTRICT: EAST GODAVARI

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|-----|-------------------------|---|
| 35. | Tuni | Thondangi, Kotananduru and Tuni Mandals. |
| 36. | Prathipadu | Sankhavaram, Prathipadu, Yeleswaram and Rowthulapudi Mandals. |
| 37. | Pithapuram | Gollaprolu, Pithapuram and Kothapalle Mandals. |
| 38. | Kakinada Rural | Karapa and Kakinada Rural Mandals.
Kakinada Urban Mandal (Part)
Kakinada Urban (M) (Part)
Kakinada (M)—Ward No.66 to 70. |
| 39. | Peddapuram | Samalkota and Peddapuram Mandals. |
| 40. | Anaparthi | Pedapudi, Biccavolu, Rangampeta and Anaparthi Mandals. |
| 41. | Kakinada City | Kakinada Urban Mandal (Part)
Kakinada Urban (M) (Part)
Kakinada (M)—Ward No.1 to 65. |
| 42. | Ramachandrapuram | Kajuluru, Ramachandrapuram and Pamarru Mandals. |

1	2
43. Mummidivaram	Polavaram, Mummidivaram, Thallarevu and Katrenikona Mandals.
44. Amalapuram (SC)	Uppalagupam, Allavaram and Amalapuram Mandals.
45. Razole (SC)	Razole, Malikipuram and Sakhinetipalle Mandals. Mamidikuduru Mandal (Part) Mamidikuduru, Geddada, Edarada, Komarada, Magatapalle and Gogannamatham Villages.
46. Gannavaram (SC)	P.Gannavaram, Ambajipeta and Ainavilli Mandals. Mamidikuduru Mandal (Part) Pedapatnam, Appanapalle, Botlakurru Doddavaram, Pasarlapudi, Pedapatnam, Nagaram, Mogalikuduru, Makanapalem, Lutukurru, Pasarlapudilanka and Adurru Villages.
47. Kothapeta	Ravulapalem, Kothapeta, Atreyapuram and Alamuru Mandals.
48. Mandapeta	Mandapeta, Rayavaram and Kapileswarapuram Mandals.
49. Rajanagaram	Rajanagaram, Seethanagaram and Korukonda Mandals.
50. Rajahmundry City	Rajahmundry Urban Mandal (Part) Rajahmundry (M Corp.) (Part) Rajahmundry (M Corp.) - Ward No. 7 to 35 and 42 to 89.
51. Rajahmundry Rural	Kadiam and Rajahmundry Rural Mandals. Rajahmundry Urban Mandal (Part) Rajahmundry (M Corp.) (Part) Rajahmundry (M Corp.) - Ward No. 1 to 6, 36 to 41 and 90.
52. Jaggampeta	Gokavaram, Jaggampeta, Gandepalle and Kirlampudi Mandals.
53. Rampachodavaram (ST)	Maredumilli, Devipatnam, Y. Ramavaram, Addateegala, Gangavaram, Ranipachodavaram and Rajavommangi Mandals.
5—DISTRICT : WEST GODAVARI	
54. Kovvur (SC)	Kovvur, Chagallu and Tallapudi Mandals.
55. Nidadavole	Nidadavole, Undrajavaram and Peravali Mandals.
56. Achanta	Penugonda, Achanta and Penumantra Mandals. Poduru Mandal (Part) Kavitam, Jagannadhapuram, Pandithavilluru, Miniminchilipadu, Poduru, Pemmarajupolavaram and Gummaluru Villages.
57. Palacole	Palacole and Yelamanchili Mandals. Poduru Mandal (Part) Kommuchikkala, Vedangi, Jinnuru, Mattaparru, Penumadam, Ravipadu and Vaddiparru Villages.
58. Narasapuram	Mogalthur and Narasapuram Mandals.
59. Bhimavaram	Veeravasaram and Bhimavaram Mandals. Bhimavaram (M+OG) Bhimavaram (M) - Ward No. 1 to 27 China-Amiram (OG) (Part) - Ward No. 28 Rayalam (R) (OG) (Part) - Ward No. 29.
60. Undi	Kalla, Palacoderu, Undi and Akividu Mandals.

1	2
61. Tanuku	Tanuku, Attili and Iravaram Mandals.
62. Tadepalligudem	Tadepalligudem and Pentapadu Mandals.
63. Unguturu	Unguturu, Bhimadole, Nidamaru and Ganapavaram Mandals.
64. Denduluru	Pedavegi, Pedapadu and Denduluru Mandals. Eluru Mandal (Part). Malkapuram, Chataparru, Jalipudi, Katlampudi, Madepalli, Manuru, Sreeparru, Kalakurru, Komatilanka, Gudivakalanka, Kokkirailanka, Pydichintapadu and Prathikolla lanka Villages.
65. Eluru	Eluru Mandal (Part) Eluru (M) (Part) Eluru (M) - Ward No. 1 to 28 Eluru Mandal (Part) Eluru Mandal (OG) (Part) Satrapadu (OG) - Ward No.29 Gavaravaram (OG) - Ward No.30 Tangellamudi (R) (OG) - Ward No.31 Komadavolu (OG) (Part) - Ward No.32 Eluru (R) (OG) (Part) - Ward No.33 Eluru Mandal (Part) Chodimella, Sanivarapupeta, Eluru (Rural), Komadavole (Rural) and Ponangi Villages.
66. Gopalapuram (SC)	Dwaraka Tirumala, Nallajerla, Devarapalli and Gopalapuram Mandals.
67. Polavaram (ST)	Polavaram, Buttayagudem, Jeelugumilli, Koyyalagudem and T.Narasapuram Mandals.
68. Chintalapudi (SC)	Chintalapudi, Lingapalem, Kamavarapukota and Jangareddigudem Mandals.
6—DISTRICT: KRISHNA	
69. Tiruvuru (SC)	Vissannapet, Gampalagudem, Tiruvuru and A.Konduru Mandals.
70. Nuzvid	Agiripalli, Chatrai, Musunuru and Nuzvid Mandals.
71. Gannavaram	Bapulapadu, Gannavaram and Unguturu Mandals. Vijayawada (Rural) Mandal (Part) Ambapuram, Phiriyadi Nainavaram, Pathapadu, Nunna, Enikepadu, Nidamanuru, Done Atkuru, Gudavalli, Prasadampadu and Ramavarappadu Villages.
72. Gudivada	Gudlavalleru, Gudivada and Nandivada Mandals.
73. Kaikalur	Mandavalli, Kaikalur, Kalidindi and Mudinepalle Mandals.
74. Pedana	Gudur, Pedana, Bantumilli and Kruthivenu Mandals.
75. Machilipatnam	Machilipatnam Mandal.
76. Avanigadda	Challapalli, Mopidevi, Avanigadda, Nagayalanka, Koduru and Ghantasala Mandals.
77. Pamarru (SC)	Pamarru, Thotlavalluru, Pamidimukkala, Movva and Pedaparupudi Mandals.
78. Penamaluru	Kankipadu, Vuyyuru and Penamaluru Mandals.
79. Vijayawada West	Vijayawada Urban Mandal (Part) Vijayawada Urban (M.Corp) (Part) Vijayawada (M.Corp.) - Ward No.1 to 13, 15 to 19, 75 and 76.

1	2
80. Vijayawada Central	Vijayawada Urban Mandal (Part) Vijayawada Urban (M. Corp) (Part) Vijayawada (M Corp.)—Ward No. 14, 20 to 31, 33 to 35, 42 to 44, 49, 77 and 78.
81. Vijayawada East	Vijayawada Urban Mandal (Part) Vijayawada Urban (M. Corp) (Part) Vijayawada (M Corp.)—Ward No. 32, 36 to 41, 45 to 48 and 50 to 74.
82. Mylavaram	Ibrahimpattanam, G.Konduru, Mylavaram and Reddigudem Mandals. Vijayawada (Rural) Mandal (Part) Kotturu, Tadepalle, Vemavaram, Shabada, Paidurupadu, Rayanapadu, Gollapudi and Jakkampudi Villages.
83. Nandigama (SC)	Kanchikacherla, Chandarlapadu and Veerullapadu Mandals. Nandigama Mandal (Part) Pedavaram, Thakkellapadu, Munagacherla, Latchapalem, Lingalapadu, Adiviravulapadu, Chandapuram, Kethaveeruni Padu, Kanchela, Ithavaram, Ambarupeta, Nandigama, Satyavaram, Pallagiri and Raghavapuram Villages.
84. Jaggayyapeta	Vatsavai, Jaggayyapeta and Penuganchiprolu Mandals Nandigama Mandal (Part) Magallu, Konduru, Ramireddipalle, Jonnalagadda, Konathamakuru, Torragudipadu, Damuluru, Somavaram, Rudravaram and Gollamudi Villages.
7-DISTRICT: GUNTUR	
85. Pedakurapadu	Bellamkonda, Atchampet, Krosuru, Amaravathi and Pedakurapadu Mandals.
86. Tadikonda (SC)	Tulluru, Tadikonda, Phirangipuram and Medikonduru Mandals.
87. Mangalagiri	Tadepalli, Mangalagiri and Duggirala Mandals.
88. Ponnuru	Ponnuru, Chebrolu and Pedakakani Mandals.
89. Vemuru (SC)	Vemuru, Kolluru, Tsundur, Bhattiprolu and Amarthaluru Mandals.
90. Repalle	Nizampattanam, Nagaram, Cherukupalli and Repalle Mandals.
91. Tenali	Kollipara and Tenali Mandals.
92. Bapatla	Bapatla, Pittalavanipalem and Karlapalem Mandals.
93. Prathipadu (SC)	Guntur Mandal (except M. Corp.) Vatticherukuru, Prathipadu, Pedanandipadu and Kakumanu Mandals.
94. Guntur West	Guntur Mandal (Part) Guntur (M. Corp) (Part) Guntur (M Corp.)—Ward No. 1 to 6 and 24 to 28.
95. Guntur East	Guntur Mandal (Part) Guntur (M. Corp) (Part) Guntur (M Corp.)—Ward No. 7 to 23.

1	2
96. Chilakaluripet	Nadendla, Chilakaluripet and Edlapadu Mandals.
97. Narasaraopet	Rompicherla and Narasaraopet Mandals.
98. Sattenapalle	Sattenapalli, Rajupalem, Nekarikallu and Muppalla Mandals.
99. Vinukonda	Bollapalli, Vinukonda, Nuzendla, Savalyapuram and Ipur Mandals.
100. Gurajala	Gurajala, Dacheipalli, Piduguralla and Machavaram Mandals.
101. Macherla	Macherla, Veldurthi, Durgi, Rentachintala and Karempudi Mandals.

8-DISTRICT : PRAKASAM

102. Yerragondapalem (SC)	Yerragondapalem and Pedda Araveedu, Pullalacheruvu, Tripuranthakam, Dornala and Peda Araveedu Mandals.
103. Darsi	Donakonda, Kurichedu, Mundlamuru, Darsi and Thallur Mandals.
104. Parchur	Yeddanapudi, Parchur, Karamchedu, Inkollu, Chinaganjam and Martur Mandals.
105. Addanki	J. Panguluru, Addanki, Santhamaguluru, Ballikurava and Korisapadu Mandals.
106. Chirala	Chirala and Vetapalem Mandals.
107. Santhanuthalapadu (SC)	Naguluppalapadu, Maddipadu, Chimakurthi and Santhanuthalapadu Mandals.
108. Ongole	Ongole and Kothapatnam Mandals.
109. Kandukur	Kandukur, Lingasamudram, Gudluru, Ulavapadu and Volivetivaripalem Mandals.
110. Kondapi (SC)	Singarayakonda, Kondapi, Tangutur, Jarugumalli, Ponnaluru and Marripudi Mandals.
111. Markapuram	Konakanamitla, Podili, Markapur and Tarlapadu Mandals.
112. Giddalur	Bestavaripeta, Racherla, Giddalur, Komarolu, Cumbum and Ardhaveedu Mandals.
113. Kanigiri	Hanumanthunipadu, Chandrasekharapuram, Pamur, Veligandla, Pedacherlopalle and Kanigiri Mandals.

9-DISTRICT : NELLORE

114. Kavali	Kavali, Bogole, Allur and Dagadathi Mandals.
115. Atmakur	Chejerla, Atmakur, Anumasamudrampeta, Marripadu, Sangam and Ananthasagaram Mandals.
116. Kovur	Vidavalur, Kodavalur, Kovur, Buchireddipalem and Indukurpet Mandals.
117. Nellore City	Nellore Mandal (Part) Nellore Mandal (M+OG) (Part) Nellore (M) — Ward No.1 to 15, 27, 28 and 31 to 44.
118. Nellore Rural	Nellore Mandal (Part) Golla Kandukur, Sajjapuram, Vellanti, Kandamur, Upputur, South Mopur, Mogallapalem, Mattempadu, Amancherla, Mannavarappadu, Mulumudi, Devarapalem, Pottapalem, Akkacheruvupadu, Ogurupadu, Ambapuram, Donthali, Buja,

1	2
	<p>Buja Nellore (Rural), Kallurpalle (Rural), Kanuparthipadu, Allipuram (Rural), Gudipallipadu, Pedda, Cherukur, Chintareddipalem, Visavaviletipadu, Gundlapalem, Kakupalle-I, Kakupalle-II (Madaraja Gudur) and Penubarthi Villages.</p> <p>Nellore Mandal (M+OG) (Part)</p> <p>Nellore (M)—Ward No. 16 to 26, 29 and 30</p> <p>Allipuram (OG) (Part)—Ward No. 45</p> <p>Kallurpalle (OG) (Part)—Ward No. 46</p> <p>Buja Buja Nellore (OG) (Part)—Ward No. 47</p> <p>Nellore (Bit. I) (OG)—Ward No. 48.</p>
119. Sarvepalli	Podalakur, Thotapalligudur, Muthukur, Venkatachalam and Manubolu Mandals.
120. Gudur (SC)	Gudur, Chillakur, Kota, Vakadu and Chittamur Mandals.
121. Sullurpeta (SC)	Ojili, Naidupet, Pellakur, Doravarisatram, Sullurpeta and Tada Mandals.
122. Venkatagiri	Kaluvoya, Rapur, Sydapuram, Dakkili, Venkatagiri and Balayapalle Mandals.
123. Udayagiri	Jaladanki, Seetharamapuram, Udayagiri, Varikuntapadu, Vinjamur, Duttalur, Kaligiri and Kondapuram Mandals.
10—DISTRICT : KADAPA	
124. Badvel (SC)	Kalasapadu, B.Kodur, Sri Avadhutha Kasinayana, Porumamilla, Badvel, Gopavaram and Atlur Mandals.
125. Rajampet	Sidhout, Vontimitta, Nandalur, Rajampet, Veeraballe and T Sundupalle Mandals.
126. Kadapa	Kadapa Mandal.
127. Kodur (SC)	Penagalur, Chitvel, Pullampeta, Obulavaripalle and Kodur Mandals.
128. Rayachoti	Sambeppalle, Chinnamandem, Rayachoti, Galiveedu, Lakkireddipalli and Ramapuram Mandals.
129. Pulivendla	Simhadripuram, Lingala, Thondur, Pulivendla, Vemula, Vempalle and Chakrayapet Mandals.
130. Kamalapuram	Pendlimarri, Chinthakommadinne, Kamalapuram, Vallur, Veerapunayunipalle and Chennur Mandals.
131. Jammalamadugu	Peddammudium, Mylavaram, Kondapuram, Jammalamadugu, Muddanur and Yerraguntla Mandals.
132. Proddatur	Rajupalem and Proddatur Mandals.
133. Mydukur	Duvvur, S.Mydukur, Khajipet, Brahmamgarimattam and Chapad Mandals.
11—DISTRICT : KURNOOL	
134. Allagadda	Sirvel, Allagadda, Dornipadu, Uyyalawada, Chagalamarri and Rudravaram Mandals.
135. Srisailam	Srisailam, Atmakur, Velgode, Bandi Atmakur and Mahanandi Mandals.
136. Nandikotkur (SC)	Nandikotkur, Pagidyala, J. Bungalow, Kothapalle, Pamulapadu and Midthur Mandals.

1	2
137. Kurnool	Kurnool Mandal (Part) Kurnool (M Corp.) (Part) Kurnool (M Corp.)—Ward No.1 to 69.
138. Panyam	Kallur, Orvakal, Panyam and Gadivemula Mandals.
139. Nandyal	Nandyal and Gospadu Mandals.
140. Banaganapalle	Banaganapalle, Owk, Koilkuntla, Sanjamala and Kolimigundla Mandals.
141. Dhone	Bethamcherla, Dhone and Peapally Mandals.
142. Pattikonda	Krishnagiri, Veldurthi, Pattikonda, Maddikera and Tuggali Mandals.
143. Kodumur (SC)	C.Belagal, Gudur and Kodumur Mandals. Kurnool Mandal (Part) R.Kanthalapadu, Sunkesula, Remata, Ulchala, Basavapuram, Edurur, G. Singavaram, Nidzur, Munagalapadu, Mamidalapadu, Panchalingala, E.Thandrapadu. Gondiparla, Dinnevarapadu, B.Thandrapadu, Pasupula, Rudravaram, Noothanapalle, Devamada, Pudur, Gargeyapuram and Diguwapadu Villages.
144. Yemmiganur	Nandavaram, Yemmiganur and Gonegandla Mandals.
145. Mantralayam	Peda Kadubur, Mantralayam, Kosigi and Kowthalam Mandals.
146. Adoni	Adoni Mandal.
147. Alur	Devanakonda, Holagunda, Halaharvi, Alur, Aspari and Chippagiri Mandals.
12—DISTRICT: ANANTAPUR	
148. Rayadurg	D.Hirehal, Rayadurg, Kanekal, Bommanahal and Gummagatta Mandals.
149. Uravakonda	Vidapanakal, Vajrakarur, Uravakonda, Beluguppa and Kudair Mandals.
150. Guntakal	Guntakal, Gooty and Pamidi Mandals.
151. Tadpatri	Peddavadugur, Yadiki, Tadpatri and Peddapappur Mandals.
152. Singanamala (SC)	Garladinne, Singanamala, Putlur, Yellanur, Narpala and B.K. Samudram Mandals.
153. Anantapur Urban	Anantapur Mandal (Part) Anantapur (M+OG) (Part) Anantapur (M)—Ward No.1 to 28 Narayanapuram (OG)—Ward No. 29 Kakkalapalle (R) (OG) (Part)—Ward No. 30 Anantapur (R) (OG)—Ward No. 31.
154. Kalyandurg	Brahmasamudram, Kalyandurg, Settur, Kundurpi and Kambadur Mandals.
155. Raptadu	Atmakur, Raptadu, Kanaganapalli, C. K. Palli and Ramagiri Mandals, Anantapur Mandal (Part) Kodimi, Thaticherla, Somanadoddi, Rachanapalle, Sajjalakalva, Kurugunta, Gollapalle, Kamarupalle, Alamuru, Katiganikalva,

1	2
	Kakkalapalle (Rural), Upparapalle, Itikalapalle, Jangalapalle, Kandakur, Chiyyedu, Mannila and Papampet (CT) Villages.
156. Madakasira (SC)	Madakasira, Amarapuram, Gudibanda, Rolla and Agali Mandals.
157. Hindupur	Hindupur, Lepakshi and Chilamathur Mandals.
158. Penukonda	Parigi, Penukonda, Gorantla, Somandepalle and Roddam Mandals.
159. Puttaparthi	Nallamada, Bukkapatnam, Kothacheruvu, Puttaparthi, O. D. Cheruvu and Amadagur Mandals.
160. Dharmavaram	Dharmavaram, Bathalapalle, Tadimarri and Mudigubba Mandals.
161. Kadiri	Talupula, Nambulipulikunta, Gandlapenta, Kadiri, Nallacheruvu and Tanakal Mandals.
13—DISTRICT: CHITTOOR	
162. Thamballapalle	Mulakalacheruvu, Thamballapalle, Peddamandyam, Kurabalakota, Peddathippasamudram and B.Kothakota Mandals.
163. Pileru	Gurramkonda, Kalakada, K. V. Palle, Pileru, Kalikiri and Valmikipuram Mandals.
164. Madanapalle	Madanapalle, Nimmanapalle and Ramasamudram Mandals.
165. Punganur	Sodam, Somala, Chowdepalle, Punganur, Pulicherla and Rompicherla Mandals.
166. Chandragiri	Tirupati (Rural), Chandragiri, Pakala, Ramachandrapuram, Chinnagottigallu and Yerravaripalem Mandals. Tirupati (Urban) Mandal (Part) Konkachennaiahgunta, Mangalam and Chennayyagunta Villages.
167. Tirupati	Tirupati (Urban) Mandal (Part) Tirumala (CT) Tirupati (NMA) (CT) Akkarampalle (CT) Tirupati (M+OG) (Part).
168. Srikalahasti	Renigunta, Yerpedu, Srikalahasti and Thottambedu Mandals.
169. Satyavedu (SC)	Narayanavanam, B. N. Kandriga, Varadaiahpalem, K.V.B.Puram, Pitchatur, Satyavedu and Nagalapuram Mandals.
170. Nagari	Nindra, Vijayapuram, Nagari, Puttur and Vadamalapeta Mandals.
171. Gangadhara Nellore (SC)	Vedurukuppam, Karvetinagar, Penumuru, S. R. Puram, G.D. Nellore and Palasamudram Mandals.
172. Chittoor	Chittoor and Gudipala Mandals.
173. Puthalapattu (SC)	Puthalapattu, Irala, Thavanampalle, Bangarupalem and Yadamari Mandals.
174. Palamaner	Gangavaram, Palamaner, Baireddipalle, V. Kota and Peddapanjani Mandals.
175. Kuppam	Santipuram, Gudupalle, Kuppam and Ramakuppam Mandals.

TABLE B—PARLIAMENTARY CONSTITUENCIES

Sl. No. and Name	Extent of Parliamentary Constituencies
1	2
1. ARAKU (ST)	10-Palakonda (ST), 11-Kurupam (ST), 12-Parvathipuram (SC), 13-Salur (ST), 28-Araku Valley (ST), 29-Paderu (ST) and 53-Rampachodovaram (ST).
2. SRIKAKULAM	1-Ichchapuram, 2-Palasa, 3-Tekkali, 4-Pathapatnam, 5-Srikakulam, 6-Amadalavalasa and 8-Narasannapeta.
3. VIZIANAGARAM	7-Etcherla, 9-Rajam (SC), 14-Bobbili, 15-Cheepurupalli, 16-Gajapathinagaram, 17-Nellimarla and 18-Vizianagaram.
4. VISAKHAPATNAM	19-Srungavarapukota, 20-Bhimli, 21-Visakhapatnam East, 22-Visakhapatnam South, 23-Visakhapatnam North, 24-Visakhapatnam West and 25-Gajuwaka.
5. ANAKAPALLE	26-Chodavaram, 27-Madugula, 30-Anakapalle, 31-Pendurthi, 32-Yelamanchili, 33-Payakaraopet (SC) and 34-Narsipatnam.
6. KAKINADA	35-Tuni, 36-Prathipadu, 37-Pithapuram, 38-Kakinada Rural, 39-Peddapuram, 41-Kakinada City and 52-Jaggampeta.
7. AMALAPURAM (SC)	42-Ramachandrapuram, 43-Mummidivaram, 44-Amalapuram (SC), 45-Razole (SC), 46-Gannavaram (SC), 47-Kothapeta and 47-Mandapeta.
8. RAJAHMUNDY	40-Anaparthi, 49-Rajanagaram, 50-Rajahmundry City, 51-Rajahmundry Rural, 54-Kovvur (SC), 55-Nidadavole and 66-Gopalapuram (SC).
9. NARSAPURAM	56-Achanta, 57-Palacole, 58-Narsapuram, 59-Bhimavaram, 60-Undi, 61-Tanuku and 62-Tadepalligudem.
10. ELURU	63-Unguturu, 64-Denduluru, 65-Eluru, 67-Polavaram (ST), 68-Chintalapudi (SC), 70-Nuzvid and 73-Kaikalur.
11. MACHILIPATNAM	71-Gannavaram, 72-Gudivada, 74-Pedana, 75-Machilipatnam, 76-Avanigadda, 77-Pamaru (SC) and 78-Penamalur.
12. VIJAYAWADA	69-Tiruvuru (SC), 79-Vijayawada West, 80-Vijayawada Central, 81-Vijayawada East, 82-Mylavaram, 83-Nandigama (SC) and 84-Jaggayyapeta.
13. GUNTUR	86-Tadikonda (SC), 87-Mangalagiri, 88-Ponnuru, 91-Tenali, 93-Prathipadu (SC), 94-Guntur West and 95-Guntur East.
14. NARASARAOPET	85-Pedakurapadu, 96-Chilakaluripet, 97-Narasaraopet, 98-Sattenapalli, 99-Vinukonda, 100-Gurajala and 101-Macherla.
15. BAPATLA (SC)	89-Vemuru (SC), 90-Repalle, 92-Bapatla, 104-Parchur, 105-Addanki, 106-Chirala and 107-Santhanuthalapadu (SC).
16. ONGOLE	102-Yerragondapalem (SC), 103-Darsi, 108-Ongole, 110-Kondapi (SC), 111-Markapuram, 112-Giddalur and 113-Kanigiri.
17. NANDYAL	134-Allagadda, 135-Srisailam, 136-Nandikotkur (SC), 138-Panyam, 139-Nandyal, 140-Banaganapalle and 141-Dhone.
18. KURNOOL	137-Kurnool, 142-Pattikonda, 143-Kodumur (SC), 144-Yemmiganur, 145-Mantralayam, 146-Adoni and 147-Alur.
19. ANANTAPUR	148-Rayadurg, 149-Uravakonda, 150-Guntakal, 151-Tadpatri, 152-Singanamala (SC), 153-Anantapur Urban and 154-Kalyandurg.

1	2
20. HINDUPUR	155-Raptadu, 156-Madakasira (SC), 157-Hindupur, 158-Penukonda, 159-Puttaparthi, 160-Dharmavaram and 161-Kadiri.
21. KADAPA	124-Badvel (SC), 126-Kadapa, 129-Pulivendla, 130-Kamalapuram, 131-Jammalamadugu, 132-Proddatur and 133-Mydukur.
22. NELLORE	109-Kandukur, 114-Kavali, 115-Atmakur, 116-Kovur, 117-Nellore City, 118-Nellore Rural and 123-Udayagiri.
23. TIRUPATI(SC)	119-Sarvepalli, 120-Gudur (SC), 121-Sullurpeta (SC), 122-Venkatagiri, 167-Tirupati, 168-Srikalahasti and 169-Satyavedu (SC).
24. RAJAMPET	125-Rajampet, 127-Kodur (SC), 128-Rayachoti, 162-Thamballapalle, 163-Pileru, 164-Madanapalle and 165-Punganur.
25. CHITTOOR(SC)	166-Chandragiri, 170-Nagari, 171-Gangadhara Nellore (SC), 172-Chittoor, 173-Puthalapattu (SC), 174-Palamaner and 175-Kuppam.

NOTE: Any reference in Table A to a CT, OG, Mandal and Villages or other territorial division shall be taken to mean the area comprised within that CT, OG, Mandal and Villages or other territorial division as on the 15th day of February, 2004. Further, any reference in Table - A, to wards in municipal areas shall be taken to mean the areas as defined in the Census of India 2001 Report."

4. After Schedule XXVI, the following shall be inserted, namely:—

"SCHEDULE - XXVII

TELANGANA

TABLE A—ASSEMBLY CONSTITUENCIES

Sl. No. & Name	Extent of Assembly Constituencies
1	2
1—DISTRICT: ADILABAD	
1. Sirpur	Kouthala, Bejjur, Kagaznagar, Sirpur (T) and Dahegaon Mandals.
2. Chennur (SC)	Jaipur, Chennur, Kotapalli and Mandamarri Mandals.
3. Bellampalli (SC)	Kasipet, Tandur, Bellampalli, Bhimini, Nennal and Vemanpalli Mandals.
4. Mancherial	Luxettipet, Mancherial and Dandepalli Mandals.
5. Asifabad (ST)	Kerameri, Wankdi, Sirpur (U), Asifabad, Jainoor, Narnoor, Tiryani and Rebbana Mandals.
6. Khanapur (ST)	Jannaram, Utnoor, Kaddam (Peddur), Khanapur and Indervelly Mandals.
7. Adilabad	Adilabad, Jainath and Bela Mandals.
8. Boath (ST)	Tamsi, Talamadugu, Gudihathnoor, Ichoda, Bazarhathnoor, Boath and Neradigonda Mandals.
9. Nirmal	Dilawarpur, Nirmal, Laxmanchanda, Mamda and Sarangapur Mandals.
10. Mudhole	Kuntala, Kubeer, Bhainsa, Tanoor, Mudhole and Lokeswaram Mandals.
2—DISTRICT: NIZAMABAD	
11. Armur	Nandipet, Armur and Makloor Mandals.

1	2
12. Bodhan	Ranjal, Navipet, Yedpalle and Bodhan Mandals.
13. Jukkal (SC)	Madnoor, Jukkal, Bichkunda, Pitlam and Nizamsagar Mandals.
14. Banswada	Birkoor, Varni, Banswada and Kotgiri Mandals.
15. Yellareddy	Yellareddy, Nagareddipet, Lingampet, Tadwai, Gandhari and Sadasivanagar Mandals.
16. Kamareddy	Machareddy, Domakonda Kamareddy and Bhiknoor Mandals.
17. Nizamabad (Urban)	Nizamabad (M).
18. Nizamabad (Rural)	Jakranpalle and Sirkonda Mandals, Nizamabad Mandal (Part), Nizamabad [except Nizamabad (M)], Dichpalle and Dharpalle Mandals.
19. Balkonda	Balkonda, Mortad, Kammarpalle, Bheemgal and Velpur Mandals.

3—DISTRICT: KARIMNAGAR

20. Koratla	Ibrahimpatnam, Mallapur, Koratla and Metpalle Mandals.
21. Jagtial	Raikal, Sarangapur and Jagtial Mandals.
22. Dharmapuri (SC)	Dharmapuri, Dharmaram, Gollapalle, Velgatoor and Pegadapalle Mandals.
23. Ramagundam	Ramagundam Mandal.
24. Manthani	Kamanpur, Manthani, Kataram, Mahadevpur, Mutharam (Mahadevapur), Malharrao and Mutharam (Manthani) Mandals.
25. Peddapalle	Peddapalle, Julapalle, Eligaid, Sultanabad, Odela and Srirampur Mandals.
26. Karimnagar	Karimnagar Mandal.
27. Choppadandi (SC)	Gangadhara, Ramadugu, Choppadandi, Mallial, Kodimial and Boinpalle Mandals.
28. Vemulawada	Vemulawada, Konaraopeta, Chandurthi, Kathlapur and Medipalle Mandals.
29. Sircilla	Yellareddipet, Gambhiraopet, Mustabad and Sircilla Mandals.
30. Manakondur (SC)	Manakondur, Ellanthakunta, Bejjanki, Timmapur (LMD Colony) and Shankarapatnam Mandals.
31. Huzurabad	Veenavanka, Jamimikunta, Huzurabad and Kamalapur Mandals.

32. Husnabad	Chigurumamidi, Koheda, Husnabad, Saidapur, Bheemadevarpalle and Elkathurthi Mandals.
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4—DISTRICT: MEDAK

33. Siddipet	Siddipet, Chinnakodur and Nangnoor Mandals.
34. Medak	Medak, Papannapet, Ramayampet and Shankarampet-R Mandals.
35. Narayankhed	Kangti, Manoor, Narayankhed, Kalher and Shankarampet-A Mandals.
36. Andole (SC)	Tekmal, Alladurgh, Regode, Raikode, Andole, Pulkal and Munpalle Mandals.

1	2
37. Narsapur	Kowdipalle, Kulcharam, Narsapur, Hathnoora, Yeldurthy and Shivampet Mandals.
38. Zahirabad (SC)	Zahirabad, Kohir, Nyalkal and Jharasangam Mandals.
39. Sangareddy	Sadasivpet, Kondapur and Sangareddy Mandals.
40. Patancheru	Jinnaram, Patancheru and Ramachandrapuram Mandals.
41. Dubbak	Mirdoddi, Doultabad, Chegunta, Dubbak and Toguta Mandals.
42. Gajwel	Tupran, Kondapak, Gajwel, Jagdevpur, Wargal and Mulug Mandals.
5—DISTRICT: RANGAREDDI	
43. Medchal	Medchal, Shamirpet, Ghatkesar and Keesara (Rural) Mandals.
44. Malkajgiri	Malkajgiri Mandal.
45. Quthbullapur	Quthbullapur Mandal.
46. Kukatpalle	Hyderabad (M Corp.) (Part) Hyderabad (M Corp.)—Ward No.24 (Part) (Area in Balanagar Mandal) Kukatpalle (M) (Part) Kukatpalle (M)—Ward No. 5 to 16.
47. Uppal	Uppal Municipality, Kapra Municipality.
48. Ibrahimpatnam	Hayathnagar, Ibrahimpatnam, Manchal and Yacharam Mandals.
49. Lal Bahadur Nagar	Saroornagar Mandal (Part) Gaddiannaram (CT), Lal Bahadur Nagar (M+OG) (Part) Lal Bahadur Nagar (M)—Ward No. 1 to 10.
50. Maheswaram	Maheswaram and Kandukur Mandals. Saroornagar Mandal (Part) Medbowli, Almasguda, Badangpet, Chintalakunta, Jalpalle, Mamidipalle, Kurmalguda and Nadargul (Rural) Mandals. Hyderabad (OG) (Part) Balapur (OG)—Ward No. 36 Kothapet (OG)—Ward No. 37 Venkatapur (OG)—Ward No. 39 Mallapur (OG)—Ward No. 40 Lal Bahadur Nagar (M+OG) (Part) Lal Bahadur Nagar (M)—Ward No. 11 Nadargul (OG) (Part)—Ward No. 12 Jillalguda (OG)—Ward No. 15 Meerpet (CT).
51. Rajendranagar	Rajendranagar and Shamshabad Mandals.
52. Serilingampally	Serilingampally Mandal Balanagar Mandal (Part) Kukatpally (M) (Part) Kukatpally (M)—Ward No. 1 to 4.
53. Chevella (SC)	Nawabpet, Shankarpalle, Moinabad, Chevella and Shabad Mandals.
54. Pargi	Doma, Gandeed, Kulkacherla, Pargi and Pudur Mandals.

1	2
55. Vicarabad (SC)	Marpalle, Mominpet, Vikarabad, Dharur and Bantwaram Mandals.
56. Tandur	Peddemul, Tandur, Basheerabad and Yalal Mandals.
6—DISTRICT : HYDERABAD	
57. Musheerabad	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No.1
58. Malakpet	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No.16 Ward No.17 (Part) Block No. 8 and 9.
59. Amberpet	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 2 Ward No. 3 (Part) Block No. 1 to 4.
60. Khairatabad	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No.6 Ward No. 3 (Part) Block No. 5 and 6 Ward No.8 (Part) Block No. 2. Ward No.5 (Part) Block No. 10.
61. Jubilee Hills	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 8 (Part) Block No. 1, 3 and 4.
62. Sanathnagar	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No.7, 24 (excluding the area in AC—46 Kukatpalle) and 25 to 30.
63. Nampally	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 10 to 12.
64. Karwan	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 9 Ward No. 13 (Part) Block No. 3 to 6.
65. Goshamahall	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 4, 14 and 15 Ward No. 5 (Part) Block No. 1 to 9 Ward No. 13 (Part) Block No. 1 and 2.

1	2
66. Charminar	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 20 to 23.
67. Chandrayangutta	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 18 (Part) Block No. 1 to 3 and 8 to 14.
68. Yakutpura	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 17 (Part) Block No. 1 to 7 Ward No. 18 (Part) Block No. 6 and 7.
69. Bahadurpura	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 18 (Part) Block No. 4 and 5 Ward No. 19.
70. Secunderabad	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 33 (Part) Block No. 4 to 7 Ward No. 34 and 35 Osmania University Area.
71. Secunderabad Cantt. (SC)	Hyderabad (M Corp.+OG) (Part) Hyderabad (M Corp.) (Part) Ward No. 31 and 32 Ward No. 33 (Part) Block No. 1 to 3 Secunderabad Cantonment Board.
7—DISTRICT : MAHBUBNAGAR	
72. Kodangal	Kodangal, Bomraspet, Kosgi, Doulatnabad and Maddur Mandals.
73. Narayanpet	Koilkonda, Narayanpet, Damaragidda and Dhanwada Mandals.
74. Mahbubnagar	Hanwada and Mahbubnagar Mandals.
75. Jadcherla	Jadcherla, Nawabpet, Balanagar and Midjil Mandals.
76. Devarkadra	Bhoothpur, Addakal, Devarkadra, Chinna Chinta Kunta and Kothakota Mandals.
77. Makthal	Makthal, Maganoor, Atmakur, Narva and Utkoor Mandals.
78. Wanaparthy	Wanaparthy, Pebbair, Gopalpeta, Peddamandadi and Ghanpur Mandals.
79. Gadwal	Gadwal, Dharur, Maldakal and Ghattu Mandals.
80. Alampur (SC)	Ieez, Itikyala, Waddepalle, Manopad and Alampur Mandals.
81. Nagarkurnool	Nagarkurnool, Bijinapalle, Thimmajipet, Tadoor, and Telkapalle Mandals.
82. Achampet (SC)	Balmoor, Lingal, Amrabad, Achampet, Uppununthala and Vangoor Mandals.
83. Kalwakurthy	Veldanda, Kalwakurthy, Talakondapalle, Amangal and Madgul Mandals.

1	2
84. Shadnagar	Kondurg, Farooqnagar, Kothur and Keshampet Mandals.
85. Kollapur	Veepangandla, Kollapur, Peddakothapalle, Kodair and Pangal Mandals.
8—DISTRICT: NALGONDA	
86. Devarakonda (ST)	Chintapalle, Gundlapalle, Chandampet, Devarakonda and Pedda Adisarlappalle Mandals.
87. Nagarjuna Sagar	Gurrampode, Nidamanur, Peddavoora, Anumula and Thripuraram Mandals.
88. Miryalaguda	Vemulapalle, Miryalaguda and Damercherla Mandals.
89. Huzurnagar	Neredcherla, Garidepalle, Huzurnagar, Mattampalli and Mellachervu Mandals.
90. Kodad	Mothey, Nadigudem, Munagala, Chilkur and Kodad Mandals.
91. Suryapet	Atmakur (S), Suryapet, Chivvemla and Penpahad Mandals.
92. Nalgonda	Thipparthi, Nalgonda and Kangal Mandals.
93. Munugode	Munugode, Narayanapur, Marriguda, Nampalle, Chandur and Choutuppal Mandals.
94. Bhongir	Bhongir, Bibinagar, Valigonda and Pochampalle Mandals.
95. Nakrekal (SC)	Ramannapeta, Chityala, Kattangoor, Nakrekal, Kethepalle and Narketpalle Mandals.
96. Thungathurthi (SC)	Thirumalagiri, Thungathurthi, Nuthankal, Jajireddigudem, Sali Gouraram and Mothkur Mandals.
97. Alair	M.Turkapalle, Rajapet, Yadagirigutta, Alair, Gundala, Atmakur (M) and Bommalaramaram Mandals.
9—DISTRICT: WARANGAL	
98. Jangaon	Cherial, Maddur, Bachannāpet, Narmetta and Jangaon Mandals.
99. Ghanpur (Station) (SC)	Ghanpur (Station), Dharmasagar, Raghunathpalle, Zaffergadh, and Lingalaghanpur Mandals.
100. Palakurthi	Palakurthi, Devaruppula, Kodakandla, Raiparthi and Thorrur Mandals.
101. Dornakal (ST)	Narsimhulapet, Maripeda, Kuravi and Dornakal Mandals.
102. Mahabubabad (ST)	Gudur, Nellikudur, Kesamudram and Mahabubabad Mandals.
103. Narsampet	Narsampet, Khanapur, Chennaraopet, Duggondi, Nekkonda and Nallabelly Mandals.
104. Parkal	Parkal, Atmakur, Sangam and Geesugonda Mandals.
105. Warangal West	Warangal Mandal (Part) Warangal (M Corp.) (Part) Warangal (M Corp.) - Ward No. 1 to 7, 15, 21 and 23 to 25
106. Warangal East	Warangal Mandal (Part) Warangal (M Corp.) (Part) Warangal (M Corp.) - Ward No. 8 to 14, 16 to 20 and 22.
107. Waradhanapet (SC)	Hasanparthy, Hanamkonda, Parvathagiri and Wardhanna Pet Mandals.
108. Bhupalpalle	Mogullapalle, Chityal, Bhupalpalle, Ghanpur (Mulug), Regonda and Shayampet Mandals.

1	2
109. Mulug (ST)	Venkatapur, Eturnagaram, Mangapet, Tadvai, Kothaguda, Govindaraopet and Mulug Mandals.
10—DISTRICT: KHAMMAM	
110. Pinapaka (ST)	Pinapaka, Manuguru, Gundala, Burgampahad and Aswapuram Mandals.
111. Yellandu (ST)	Kamepalle, Yellandu, Bayyaram, Tekulapalle and Garla Mandals.
112. Khammam	Khammam Mandal.
113. Palair	Thirumalayapalem, Kusumanchi, Khammam Rural and Nelakondapalle Mandals.
114. Madhira (SC)	Mudigonda, Chinthakani, Bonakal, Madhira and Yerrupalem Mandals.
115. Wyra (ST)	Enkuru, Konijerla, Singareni, Julurpadu and Wyra Mandals.
116. Sathupalle (SC)	Sathupalle, Penuballi, Kallur, Tallada and Vemsoor Mandals.
117. Kothagudem	Kothagudem and Palwancha Mandals.
118. Aswaraopeta (ST)	Mulikalapalle, Velairpadu, Kukunoor, Chandrugonda, Aswaraopeta and Dammipeta Mandals.
119. Bhadrachalam (ST)	Wazeed, Venkatapuram, Cherla, Dummugudem, Bhadrachalam, Kunavaram, Chintur and V.R. Puram Mandals.

TABLE B—PARLIAMENTARY CONSTITUENCIES

Serial No. and Name	Extent of Parliamentary Constituencies
1	2
1. ADILABAD (ST)	1-Sirpur, 5-Asifabad (ST), 6-Khanapur (ST), 7-Adilabad, 8-Boath (ST), 9-Nirmal and 10-Mudhole.
2. PEDDAPALLE (SC)	2 Chennur (SC), 3 Bellampalle (SC), 4 Mancherial, 22 Dharmapuri (SC), 23 Ramagundam, 24 Manthani and 25 Peddapalle.
3. KARIMNAGAR	26-Karimnagar, 27-Choppadandi (SC), 28-Vemulawada, 29-Sircilla, 30-Manakondur (SC), 31-Huzurabad and 32-Husnabad.
4. NIZAMABAD	1-Armur, 2- Bodhan, 3-Nizamabad (Urban), 4- Nizamabad (Rural), 5 -Balkonda, 6 -Koratla and 7-Jagtial.
5. ZAHIRABAD	13 Jukkal (SC), 14 Banswada, 15 Yellareddy, 16 Kamareddy, 35 Narayankhed, 36 Andole (SC) and 38 Zahirabad (SC).
6. MEDAK	8-Siddipet, 9-Medak, 10-Narsapur, 11-Sangareddy, 12-Patancheru, 13-Dubbak and 14 -Gajwel.
7. MALKAJGIRI	15- Medchal, 16-Malkajgiri, 17-Qutbullapur, 18-Kukatpalle, 19-Uppal, 20-Lal Bahadur Nagar and 21-Secunderabad Cantt. (SC).
8. SECUNDERABAD	57 Musheerabad, 59 Amberpet, 60 Khairatabad, 61 Jubilee Hills, 62 Sanathnagar, 63 Nampally and 70 Secunderabad.
9. HYDERABAD	22-Malakpet, 23-Karwan, 24-Goshamahall, 25-Charminar, 26-Chandrayangutta, 27-Yakutpura and 28-Bahadurpura.
10. CHEVELLA	29-Maheswaram, 30-Rajendranagar, 31-Serilingampally, 32-Chevella (SC), 33-Pargi, 34-Vicarabad (SC) and 35-Tandur.

1	2
11. MAHBUBNAGAR	36-Kodangal, 37- Narayanpet, 38-Mahbubnagar, 39-Jadcherla, 40 -Devarkadra, 41 -Makthal and 42- Shadnagar.
12. NAGARKURNOOL(SC)	78 Wanaparthi, 79 Gadwal, 80 Alampur (SC), 81 Nagarkurnool, 82 Achampet (SC), 83 Kalwakurthy and 85 Kollapur.
13. NALGONDA	43-Devarakonda(ST), 44-Nagarjuna Sagar, 45- Miryalaguda, 46- Huzurnagar, 47-Kodad, 48-Suryapet and 49-Nalgonda.
14. BHONGIR	48 Ibrahimpatnam, 93 Munugode, 94 Bhongir, 95 Nakrekal (SC), 96 Thungathurthi (SC), 97 Alair and 98 Jangoan.
15. WARANGAL(SC)	50-Ghanpur (Station) (SC), 51-Palakurthi, 52-Parkal, 53-Warangal West, 54-Warangal East, 55-Wardhannapet (SC) and 56-Bhupalpalle.
16. MAHABUBABAD(ST)	101 Dornakal (ST), 102 Mahabubabad (ST), 103 Narsampet, 109 Mulug (ST), 110 Pinapaka (ST), 111 Yellandu (ST) and 119 Bhadrachalam (ST).
17. KHAMMAM	57-Khammam, 58-Palair, 59-Madhira (SC), 60-Wyra (ST), 61- Sathupalle (SC), 62-Kothagudem and 63-Aswaraopeta (ST).

NOTE: Any reference in Table A to a CT, OG, Mandal and Villages or other territorial division shall be taken to mean the area comprised within that CT, OG, Mandal and Villages or other territorial division as on the 15th day of February, 2004. Further, any reference in Table - A, to wards in municipal areas shall be taken to mean the areas as defined in the Census of India 2001 Report."

THE THIRD SCHEDULE

(See section 24)

PART I

MODIFICATION IN THE DELIMITATION OF COUNCIL CONSTITUENCIES

(ANDHRA PRADESH) ORDER, 2006

For the Table appended to the Delimitation of Council Constituencies (Andhra Pradesh) Order, 2006, the following Table shall be substituted, namely:—

"TABLE

Name of Constituency	Extent of Constituency	Number of seats
Local Authorities' Constituencies		
1. Srikakulam Local Authorities	Srikakulam	1
2. Vizianagaram Local Authorities	Vizianagaram	1
3. Visakhapatnam Local Authorities	Visakhapatnam	2
4. East Godavari Local Authorities	East Godavari	2
5. West Godavari Local Authorities	West Godavari	2
6. Krishna Local Authorities	Krishna	2
7. Guntur Local Authorities	Guntur	2
8. Prakasam Local Authorities	Prakasam	1
9. Nellore Local Authorities	Nellore	1
10. Chittoor Local Authorities	Chittoor	2
11. Kadapa Local Authorities	Kadapa	1
12. Anantapur Local Authorities	Anantapur	2
13. Kurnool Local Authorities	Kurnool	1
Graduates' Constituencies		
1. Srikakulam-Vizianagaram-Visakhapatnam Graduate	Srikakulam, Vizianagaram, Visakhapatnam	1
2. East-West Godavari Graduates	East-West Godavari	1
3. Krishna-Guntur Graduates	Krishna-Guntur	1
4. Prakasam-Nellore-Chittoor Graduates	Prakasam-Nellore-Chittoor	1
5. Kadapa-Anantapur-Kurnool Graduates	Kadapa-Anantapur-Kurnool	1 "
Teacher's Constituencies		
1. Srikakulam-Vizianagaram-Visakhapatnam Teachers	Srikakulam, Vizianagaram, Visakhapatnam	1
2. East-West Godavari Teachers	East-West Godavari	1
3. Krishna-Guntur Teachers	Krishna-Guntur	1
4. Prakasam-Nellore-Chittoor Teachers	Prakasam-Nellore-Chittoor	1
5. Kadapa-Anantapur-Kurnool Teachers	Kadapa-Anantapur-Kurnool	1 "

PART II

1. This Order may be called the Delimitation of Council Constituencies (Telangana) Order, 2014.

2. The constituencies into which the State of Telangana shall be divided for the purpose of elections to the Legislative Council of the State from (a) the local authorities' constituencies, (b) the graduates' constituencies, and (c) the teachers' constituencies in the said State, the extent of each such constituency and the number of seats allotted to each such constituency shall be as shown in the following Table:—

TABLE

Name of Constituency	Extent of Constituency	Number of seats
Local Authorities' Constituencies		
1. Mahbubnagar Local Authorities	Mahbubnagar	1
2. Ranga Reddy Local Authorities	Ranga Reddy	1
3. Hyderabad Local Authorities	Hyderabad	2
4. Medak Local Authorities	Medak	1
5. Nizamabad Local Authorities	Nizamabad	1
6. Adilabad Local Authorities	Adilabad	1
7. Karimnagar Local Authorities	Karimnagar	1
8. Warangal Local Authorities	Warangal	1
9. Khammam Local Authorities	Khammam	1
10. Nalgonda Local Authorities	Nalgonda	1
Graduates' Constituencies		
1. Mahbubnagar-Ranga Reddy-Hyderabad Graduates	Mahbubnagar-Ranga Reddy Hyderabad	1
2. Medak-Nizamabad-Adilabad-Karimnagar Graduates	Medak-Nizamabad-Adilabad-Karimnagar	1
3. Warangal-Khammam-Nalgonda Graduates	Warangal-Khammam-Nalgonda	1
Teacher's Constituencies		
1. Mahbubnagar-Ranga Reddy-Hyderabad Teachers	Mahbubnagar-Ranga Reddy Hyderabad	1
2. Medak-Nizamabad-Adilabad-Karimnagar Teachers	Medak-Nizamabad-Adilabad-Karimnagar	1
3. Warangal-Khammam-Nalgonda Teachers	Warangal-Khammam-Nalgonda	1

THE FOURTH SCHEDULE

[See section 22(2)]

List of members of the Legislative Council of successor States of Andhra Pradesh and Telangana :—

Legislative Council of Andhra Pradesh:

Members of Local Authorities Constituencies:

(1) Ilapuram Venkaiah, (2) Pothula Rama Rao, (3) D.V. Suryanarayana Raju, (4) Narayana Reddy Chadipiralla, (5) Boddu Bhaskara Ramarao, (6) Angara Ramamohan, (7) Dr. Desai

Thippa Reddy, M.S., (8) Meka Seshu Babu, (9) Peerukatla Viswa Prasada Rao, (10) Narayana Reddy Vakati, (11) Mettu Govinda Reddy.

Members of Graduates' Constituencies:

(1) Boddu Nageswara Rao, (2) Kalidindi Ravi Kiran Varma, (3) M.V.S. Sarma, (4) Yandapalli Srinivasulu Reddy, (5) Dr. Geyanand M.

Members of Teachers' Constituencies.

(1) Gade Srinivasulu Naidu, (2) K.V.V. Satyanarayana Raju, (3) K.S. Lakshmana Rao, (4) Balasubrahmanyam Vitapu, (5) Bachala Pullaiah.

Nominated Members.

(1) Jupudi Prabhakar Rao, (2) Balashali Indira, (3) Dr. A. Chakrapani, (4) R. Reddeppa Reddy, (5) Shaik Hussain.

Members elected from Legislative Assembly Constituencies.

(1) K. Veerabhadra Swamy, (2) A. Lakshmi Siva Kumari, (3) R. Padma Raju, (4) Paladugu Venkata Rao, (5) Mohammad Jani, (6) N. Rajakumari, (7) Y. Ramakrishnuudu, (8) S. Basava Punnaiah, (9) A. Appa Rao, (10) P.J. Chandrasekhara Rao, (11) B. Chandal Rayudu, (12) P. Samanthakamani, (13) C. Ramachandraiah, (14) S.V. Satish Kumar Reddy, (15) G. Thippe Swamy, (16) M. Sudhakar Babu.

Legislative Council of Telangana:

Members of Local Authorities Constituencies.

(1) Nethi Vidya Sagar, (2) V. Bhoopal Reddy, (3) Arikala Narsa Reddy, (4) Potla Nageswar Rao, (5) T. Bhanu Prasad Rao, (6) S. Jagadeeshwar Reddy, (7) Sri M.S. Prabhakar Rao, (8) Sri Patnam Narendra Reddy, (9) Syed Aminul Hasan Jafri.

Members of Graduates' Constituencies:

(1) Dr. K. Nageshwar, (2) Kapilavai Dileep Kumar, (3) K. Swamy Goud.

Members of Teachers' Constituencies.

(1) Pathuri Sudhakar Reddy, (2) Poola Ravinder, (3) Katepally Janardhan Reddy.

Nominated Members.

(1) D. Rajeshwar Rao, (2) Farooq Hussain, (3) B. Venkata Rao.

Elected by Members of Legislative Assembly

(1) K.R. Amos, (2) Mohammad Ali Shabbir, (3) K. Yadava Reddy, (4) V. Gangadhar Goud, (5) T. Santosh Kumar, (6) N. Rajalingam, (7) D. Srinivas, (8) M. Ranga Reddy, (9) P. Sudhakar Reddy, (10) B. Lakshmi Narayana, (11) Mohammad Saleem, (12) B. Venkateswarlu, (13) Peer Shabbir Ahmed, (14) Mohammad Mahmood Ali, (15) Syed Altaf Hyder Razvi.

THE FIFTH SCHEDULE

(See section 28)

In the Constitution (Scheduled Castes) Order, 1950,—

(1) in paragraph 2, for the figures "XXIV", the figures "XXV" shall be substituted;

(2) in the Schedule,—

(a) in PART I relating to Andhra Pradesh, item number 9, shall be omitted;

(b) after Part XXIV, the following Part shall be inserted, namely:—

"PART XXV.—Telangana

1. Adi Andhra

2. Adi Dravida

3. Anamuk

4. Aray Mala
5. Arundhatiya
6. Arwa Mala
7. Bariki
8. Bavuri
9. Beda (Budga) Jangam
10. Bindla
11. Byagara, Byagari
12. Chachati
13. Chalavadi
14. Chamar, Mochi, Muchi, Chamar-Ravidas, Chamar-Rohidas
15. Chambhar
16. Chandala
17. Dakkal, Dokkalwar
18. Dandasi
19. Dhor
20. Dom, Dombara, Paidi, Pano
21. Ellamalawar, Yellammalawandlu

22. Ghasi, Haddi, Relli, Chanchandi
23. Godari
24. Gosangi
25. Holey
26. Holey Dasari
27. Jaggali
28. Jambuvulu
29. Kolupulvandlu, Pambada, Pambanda, Pambala
30. Madasi Kuruva, Madari Kuruva
31. Madiga
32. Madiga Dasu, Mashteen

33. Mahar
34. Mala, Mala Ayawaru
35. Mala Dasari
36. Mala Dasu
37. Mala Hannai
38. Malajangam
39. Mala Masti
40. Mala Sale, Nethani

41. Mala Sanyasi
42. Mang
43. Mang Garodi
44. Manne
45. Mashti
46. Matangi
47. Mehtar
48. Mitha Ayyalvar
49. Mundala
50. Paky, Moti, Thoti
51. Pamidi
52. Panchama, Pariah
53. Relli
54. Samagara
55. Samban
56. Sapru
57. Sindhollu, Chindollu
58. Yatala
59. Valluvan.”.

THE SIXTH SCHEDULE

(See section 29)

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In the Constitution (Scheduled Tribes) Order, 1950,—

(1) in paragraph 2, for the figures “XXII”, the figures “XXIII” shall be substituted;

(2) in the Schedule,—

(a) in PART I relating to Andhra Pradesh,—

(i) in item number 20, the brackets and words “(excluding Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)” shall be omitted;

(ii) item number 30 and the entries relating thereto shall be omitted;

(b) after Part XXIV, the following Part shall be inserted, namely:—

“PART XXV.—Telangana

1. Andh, Sadhu Andh
2. Bagata
3. Bhil
4. Chenchu

5. Gadabas, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba
6. Gond, Naikpod, Rajgond, Koitur
7. Gouda (in the Agency tracts)
8. Hill Reddis
9. Jatapus
10. Kammara
11. Kattunayakan
12. Kolam, Kolawar
13. Konda Dhoras, Kubi
14. Konda Kapus
15. Kondareddis
16. Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs, Kuvinga
17. Kotia, Benthoriya, Bartika, Dulia, Holya, Sanrona, Sidhopaiko
18. Koya, Doli Koya, Gutta Koya, Kammara Koya, Musara Koya, Oddi Koya, Pattidi Koya, Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Rajkoya
19. Kulia
20. Manna Dhora
21. Mukha Dhora, Nooka Dhora
22. Nayaks (in the Agency tracts)
23. Pardhan
24. Porja, Parangiperja
25. Reddi Dhoras
26. Rona, Rena
27. Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras
28. Sugalis, Lambadis, Banjara
29. Thoti (in Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts)
30. Yenadis, Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi
31. Yerukulas, Koracha, Dabba Yerukula, Kunchapuri Yerukula, Uppu Yerukula
32. Nakkala, Kurvikaran."

THE SEVENTH SCHEDULE

(See section 52)

LIST OF FUNDS

A. Provident Funds, Pension Funds, Insurance Funds

1. Contributory Provident Fund Work-charged 50% N.R.S.
2. All India Service Provident Fund.

3. Deposits of Zilla Praja Parishads out of Provident Fund contribution.
4. General Provident Fund (Regular).
5. Andhra Pradesh Class IV Govt. Servants Family Pension Fund.
6. Andhra Pradesh State Employees Family Benefit Fund.
7. Andhra Pradesh State Government Life Insurance Fund.
8. Compulsory Savings Scheme.
9. 50% D.A., G.P.F.N.R.S.
10. G.P.F. Class-IV.
11. G.P.F. Work Charged 50% N.R.S.
12. C.P.F. work-charged Establishment.
13. Electricity Department Provident Fund.
14. ICS Provident Fund.
15. Compulsory Savings Scheme for University Employees.
16. Postal Insurance and Life Annuity Fund.
17. Central Government Employees Group Insurance Scheme.
18. I.A.S. Group Insurance.
19. *Andhra Pradesh State Government Employees Contributory Pension Scheme—*
 - (i) Employees Contribution
 - (ii) Government Contribution.
20. *Andhra Pradesh Aided Educational Institution Employees Contributory Pension Scheme—*
 - (i) Employees Contribution
 - (ii) Government Contribution
21. Group Insurance for Panchayat Raj Employees.
22. Group Insurance Market Committee
23. State Government Employees Group Janata Personal Accident Policy
24. Employees Welfare Fund (Andhra Pradesh State)
- B. *Sinking Fund, Guarantee Resumption Fund, Reserve Funds*
25. Sinking Fund—Investment Account
26. Guarantee Redemption Fund—Investment Account
27. *Depreciation Reserve Fund—Government Commercial Departments and Undertakings—*
 - (i) Alcohol Factory, Narayanaguda
 - (ii) Alcohol Factory, Kamareddy
 - (iii) Andhra Pradesh Text Book Press
 - (iv) Government Distillery, Chagallu
 - (v) Government Ceramic Factory, Gudur
 - (vi) Government Block Glass Factory, Gudur.
28. *Industrial Development Funds—*
 - (i) Reserve Fund for Protection of Sugar Industries
 - (ii) Sericulture Development Fund.
29. Electricity Development Funds—Special Reserve Fund—Electricity.

30. *Other Development and Welfare Fund—*

- (i) Funds for Development Schemes
- (ii) Industrial Plantation Fund
- (iii) Andhra Pradesh State Distilleries
- (iv) Andhra Pradesh Distilleries Pollution Control

- 31. Depreciation Reserve Fund of Government Press
- 32. Depreciation Reserve Fund of Water Works
- 33. State Development Subsidy Fund for Small and Marginal Formers
- 34. Industrial Research and Development Fund—Main Account
- 35. Industrial Research and Development Fund—Investment Account
- 36. Funds for Development Schemes—Investment Account
- 37. Andhra Pradesh Distilleries and Brewaries
- 38. Amount with RBI in GRF Current Account
- 39. Security Adjustment Reserve—Investment Account

C. *Other Funds*

- 40. Development Funds for Educational Purposes
- 41. K.G. and Pennar Drainage Cess Fund
- 42. C.M. Relief Fund
- 43. Municipal Environmental Scheme Fund
- 44. Zilla Praja Parishad Funds
- 45. Subventions from Central Road Fund
- 46. Deposits of Police Funds
- 47. Deposits of Andhra Pradesh Social Welfare Fund
- 48. Development of Mineral Resources and Technology Upgradation Fund
- 49. Village Panchayat Funds
- 50. Mandala Praja Parishad Funds
- 51. Market Committee Funds
- 52. Thrift Fund cum Savings and Security Schemes for Weavers
- 53. State Agriculture Credit Stabilisation Fund
- 54. *Andhra Pradesh State Government Employees Contributory Pension Scheme*
 - (i) Employees Contribution
 - (ii) Government Contribution
- 55. *Deposits on Employees Welfare Fund and Matching contribution equivalent to the interest earned on the Employees Welfare Fund*
 - (i) Loans to Government Employees
 - (ii) Loans to Panchayat Raj Employees
 - (iii) Loans to Municipal Corporation/Municipal Employees

- (iv) Remuneration to the employees working in the Employees Welfare Fund and other connected expenditure like Stationery, Stamps, Contingent items, etc.
- 56. Deposits of Andhra Pradesh Building and Other Construction Workers Welfare Board.
- 57. Natural Calamities Unspent Margin Money Fund
- 58. Development Funds for Agricultural Purposes
- 59. Zamindari Abolition Fund
- 60. *Ethyl Alcohol Storage Facilities Fund*—
 - (i) Andhra Pradesh Government Power Alcohol Factory, Bodhan
 - (ii) Andhra Pradesh Government Power Alcohol Factory, Chagallu
- 61. Security Adjustment Reserve
- 62. Andhra Pradesh Crop Insurance Fund
- 63. Andhra Pradesh Comprehensive Crop Insurance Scheme
- 64. Religious Charitable Endowment Funds
- 65. *Depreciation Reserve Fund of Hydro—Thermal Electricity Schemes*
 - (i) Depreciation Reserve Fund of Hydro—Thermal Electricity Schemes
 - (ii) Machkund
 - (iii) Tungabhadra
- 66. State Renewal Fund
- 67. Andhra Pradesh Rural Development Fund
- 68. Corpus Fund for upgradation of public libraries
- 69. General Reserve Funds of Government Commercial Departments/Undertakings.

THE EIGHTH SCHEDULE

(See section 59)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the successor States shall, in respect of pensions granted before the appointed day by the existing State of Andhra Pradesh, pay the pensions drawn in its treasuries.
2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of the existing State of Andhra Pradesh who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Andhra Pradesh.
3. There shall be computed, in respect of the period commencing on the appointed day and ending on such date after the appointed day, as may be fixed by the Central Government and in respect of each subsequent financial year, the total payments made to the two successor States in respect of pensions referred to in paragraphs 1 and 2. The total representing the liability of the existing State of Andhra Pradesh in respect of pensions and other retirement benefits shall be apportioned between the successor States on the basis of population ratio and any successor State paying more than its due share shall be reimbursed the excess amount by the other successor State paying less.
4. The liability of the existing State of Andhra Pradesh in respect of pension rolls granted before the appointed day and drawn in any area outside the territories of the existing State shall be the liability of the State of Andhra Pradesh subject to adjustments to be made in accordance with paragraph 3 as if such pensions had been drawn in any treasury in the State of Andhra Pradesh under paragraph 1.
5. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of the existing State of Andhra Pradesh and retiring on or after that day, shall be that of the successor State granting him the pension and other retirement benefits; but the portion of the pension and other retirement benefits attributable to the service of any such officer before the appointed day in connection with the affairs of the existing State of Andhra Pradesh shall be allocated between the successor States on the basis of population ratio, and the Government granting the pension shall be entitled to receive from the other successor State its share of the liability.
(2) If any such officer was serving after the appointed day in connection with the affairs of more than one successor State other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service of such officer after the appointed day reckoned for the purposes of pension.
6. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

THE NINTH SCHEDULE

(See sections 68 and 71)

LIST OF GOVERNMENT COMPANIES AND CORPORATIONS

Sl. No.	Name of Government Company	Address
(1)	(2)	(3)
1.	Andhra Pradesh State Seeds Development Corporation Ltd.,	S-10-193, 2nd Floor, HACA Bhavan, Opp. Public Gardens, Hyderabad-500 004.
2.	Andhra Pradesh State Agro Industrial Development Corporation Ltd.,	504, Hermitage Office Complex, Hill Fort Road, Hyderabad-500 004.
3.	Andhra Pradesh State Warehousing Corporation.,	Warehousing Sadan, 2nd Floor, Behind Gandhi Bhavan, Nampally, Hyderabad- 500 001.
4.	Andhra Pradesh State Civil Supplies Corporation Ltd.,	6-3-655/1/A, Civil Supplies Bhavan, Somajiguda, Hyderabad-500 082.
5.	Andhra Pradesh Genco,	Vidyut Soudha, Khairathabad, Hyderabad-500 004.
6.	Andhra Pradesh Transco,	Vidyut Soudha, Khairathabad, Hyderabad-500 004.
7.	Singareni Collieries Company Ltd.,	Singareni Bhavan, Macharmanzil, Redhills, Hyderabad-500 004.
8.	NREDCAP	Pisgha Complex, Nampally, Hyderabad-500 001.
9.	Andhra Pradesh Forest Development Corporation Ltd.,	UNI Building, 3rd Floor, A.C. Guards, Hyderabad-500 004.
10.	Andhra Pradesh State Film and Television Theatre Development Corporation Ltd.,	10-2-1, FDC Complex, A.C. Guards, Hyderabad-500 004.
11.	Andhra Pradesh Medical Services Infrastructure Development Corporation,	APMSIDC Building, DM and HS Campus, Sulthan Bazar, Hyderabad-500 095.
12.	Andhra Pradesh State Police Housing Corporation Ltd.,	DIG Office, Saifabad, Hyderabad-500 004.

(1)	(2)	(3)
13.	Andhra Pradesh State Housing Corporation Ltd.,	3-6-184, Street No.17, Urdu Hall Lane, Himayat Nagar, Hyderabad.
14.	Andhra Pradesh Housing Board,	Gruhakalpa, M.J.Road, Nampally, Hyderabad-500 028.
15.	Andhra Pradesh Technologies Services Ltd.,	B.R.K. Buildings, Tank Bund Road, Hyderabad.
16.	Andhra Pradesh Mineral Development Corporation Ltd.,	Rear Block, 3rd Floor, HMWSSB Premises, Khairathabad, Hyderabad-500 004.
17.	Andhra Pradesh Industrial Infrastructure Corporation Ltd.,	5-9-58/B, 6th Floor, Prishrama Bhavan, Basheerbagh, Hyderabad-500 004.
18.	Andhra Pradesh Industrial Development Corporation Ltd.,	5-9-58/B, 6th Floor, Prishrama Bhavan, Basheerbagh, Hyderabad-500 004.
19.	Andhra Pradesh State Finance Corporation,	5-9-194, Chirag Ali Lane, Abids, Hyderabad-500 001.
20.	Leather Industries Development Corporation of Andhra Pradesh (LIDCAP),	5-77/27, Darga Hussaini Shaw Ali, Golkonda Post, Hyderabad-500 008.
21.	Andhra Pradesh Handicraft Development Corporation Ltd.,	Hasthakala Bhavan, Musheerabad X Roads, Hyderabad.
22.	Andhra Pradesh State Trade Promotion Corporation Ltd. (APTTC),	6-10-74, Fathe Maidhan Road, Shakar Bhavan, Hyderabad-500 004.
23.	Andhra Pradesh State Irrigation Development Corporation Ltd.,	8-2-674/2/B, Road No.13, Banjara Hills, Hyderabad-500 034.
24.	Andhra Pradesh State Minorities Finance Corporation Ltd.,	5th Floor, A.P. State Haj House, Opp. Public Gardens, Nampally, Hyderabad-500 001.
25.	Andhra Pradesh Beverages Corporation Ltd.,	4th Floor, Prohibition and Excise Complex, 9 and 10 Eastern, M.J.Road, Nampally, Hyderabad-500 001.

(1)	(2)	(3)
26. Andhra Pradesh State Road Transport Corporation,		Bus Bhavan, Musheerabad X Roads, Hyderabad.
27. Andhra Pradesh Foods,		IDA, Nacharam, Hyderabad-500 076.
28. Andhra Pradesh State Tourism Development Corporation Ltd.,		3-5-891, A.P. Tourism House, Himayath Nagar, Hyderabad.
29. Andhra Pradesh Rajiv Swagruha Corporation Ltd.,		A-06, Sahabhavan, Bandlaguda, GSI (Post), Hyderabad-500 068.
30. Eastern Power Distribution Corporation Ltd.,		Corporate Office, Near Guruwar Junction, P and T Seethammadhara Colony, Vishakapatnam-530 013.
31. Southern Power Distribution Corporation Ltd.,		# 1-13-65/A, Srinivasapuram, Tirupati-517503.
32. Central Power Distribution Corporation Ltd.,		6-1-50, Corporate Office, Mint Compound, Hyderabad-500 063.
33. Northern Power Distribution Corporation Ltd.,		1-1-478, Chaitniyapuri Colony, Near RES Petrol Pump, Warangal.
34. Andhra Pradesh Heavy Machinery and Engineering Ltd.,		Regd. Office and Factory, Kondapally-521228. Krishna District.
35. Vizag Apparel Park for Export Ltd.,		C-Block, 4th Floor, BRK Bhavan, Hyderabad- 500 063.
36. Andhra Pradesh State Christian (Minorities) Finance Corporation,		6-2-41, Flat No. 102, Moghal Emami Mansion, Opp. Shadan College, Khairathabad, Hyderabad-500 004.
37. Hyderabad Metro Rail Ltd.,		Metro Rail Bhavan, Saifabad, Hyderabad-500 004.
38. Andhra Pradesh Urban Finance Infrastructure Development Corporation Ltd.,		2nd Floor, E and PH Complex, Kashana Building, AC Guards, Hyderabad.
39. Infrastructure Development Corporation of Andhra Pradesh (INCAP),		10-2-1, 3rd Floor, FDC Complex, AC Guards, Hyderabad-500 028.

(1)	(2)	(3)
40. Overseas Manpower Company of Andhra Pradesh Ltd. (OMCAP),		ITI Mallepally Campus, Vijayanagar Colony, Hyderabad-500 057.
41. Andhra Pradesh Power Finance Corporation Ltd.,		L-Block, 4th Floor, Andhra Pradesh Secretariat, Hyderabad.
42. Andhra Pradesh Roads Development Corporation,		R and B Office, Beside Mahaveer, AC Guards, Hyderabad-500 057.
43. Andhra Pradesh Tribal Power Company Ltd. (TRIPCO),		4th Floor, Damodharam Sanjivaiah Sankeshamma Bhavan, Masab Tank, Hyderabad.
44. Andhra Pradesh Tribal Mining Company Ltd. (TRIMCO),		4th Floor, Damodharam Sanjivaiah Sankeshamma Bhavan, Masab Tank, Hyderabad.
45. Andhra Pradesh Cooperative Oil seeds Growers Federation Limited.		Parishrama Bhavan, 9th Floor, Hyderabad.
46. Andhra Pradesh Marketing Federation Ltd.		Haka Bhavan, Hill Fort Road, Hyderabad.
47. Deccan Infrastructure and Land Holdings Ltd.		C/o Andhra Pradesh Housing Board, Ground Floor, Gruha Kalpa, MJ road, Nampally, Hyderabad-500001.
48. Andhra Pradesh Aviation Corporation Ltd.		II Floor, Container, Floride Station, Air Corporation Complex, Begumpet 16.
49. Andhra Pradesh Gas Infrastructure Corporation (P) Ltd.		5-9-58/B, Parishrama Bhavan, II Floor, Fathe Maidan Road, Basheerbagh, Hyderabad-14.
50. Andhra Pradesh Gas Distribution Corporation Ltd.		5-9-58/B, Parishrama Bhavan, II Floor, Fathe Maidan Road, Basheerbagh, Hyderabad-14.
51. Andhra Pradesh Khadi and Village Industries Board (APKVIB).		Mehadipatnam Road, Masab Tank, Humayun Nagar, Hyderabad.

(1)	(2)	(3)
52. Andhra Pradesh State Handloom Weavers Co-operative Society Ltd. (APCO)		Road No. 16, Industrial Development Area, Chinthal, Hyderabad-55.
53. Andhra Pradesh Textile Development Corporation (APTEX).		4th Floor, BRKR Bhavan, C Block, Tankbundroad, Saifabad, Hyderabad-4.
54. Nizam Sugars Ltd. (NSL).		6-3-570/1, 201, Diamond Block, Rockdale Compound, Somajiguda, Errammanjil, Hyderabad-82.
55. Andhra Pradesh Food Processing Society (APFPS).		1st Floor, BRKR Bhavan, Tank Bund Road, Hyderabad-63.
56. Krishnapatnam International Leather Complex Pvt. Ltd. (KPILC)		5th Floor, Parishrama Bhavan, Basheerbagh, Hyderabad-4.
57. Andhra Pradesh State Federation of Co-operative Sugar Factories Ltd. (APSFCS).		Chirag Ali Lane, Hyderabad-500001.
58. Textile Park, Pasha Mailaram		Pasha Mailaram, Medak District.
59. Andhra Pradesh Women's Co-operative Finance Corporation Ltd.		Door No. 1335/H, Road No. 45, Jubilee Hills, Hyderabad-500 033.
60. Andhra Pradesh Vikalangula Co-operative Corporation		AP Vikalangula Sankshema Bhavan, Nalgonda X Roads, Malkpet.
61. Andhra Pradesh Water Resources Development Corporation		IV Floor, Jalsoudha Building Erram Manzil, Hyderabad.
62. Andhra Pradesh State Property Tax Board (APSPTB), Hyderabad.		AC Guards, Masabtank, Hyderabad.
63. Andhra Pradesh Toddy Tappers Cooperative Finance Corporation Ltd. (AP Geetha Paarisharamika Sahakara Arthika Samkhsema Samstha), Narayanagunda, Hyderabad.		3-5-1089, Beside Deepak Cinema Theater, Narayangunda, Hyderabad-29.
64. Society for Employment, Promotion and Training in Twin Cities (SETWIN).		Azmath Jah Palace, Purani Haveli, Hyderabad-500 002.
65. Sports Authority of Andhra Pradesh (SAAP)		Lal Bahadur Stadium, Hyderabad-500 001. AP. INDIA.

(1)	(2)	(3)
66.	Andhra Pradesh Society for Training and Employment Promotion (APSTEP) to be added	Director of Youth Services and MD, APSTEP, Behind Boats Club, Secunderabad.
67.	State Institute of Hotel Management Catering Technology, Tirupathi	Near SV Zoo Park, Beside AP Tourism Transport, Peler village, Tirupathi, Chittoor Distt. 517507
68.	State Institute of Hotel Management Catering Technology, Medak	Kohir X road, Kaveri Village, Medak Distt. 502321
69.	Andhra Pradesh Meat Development Corporation, Hyderabad	10-2-289/129, Shanthinagar, Hyderabad-28
70.	Andhra Pradesh Dairy Development Corporation, Hyderabad	Vijaya Bhavan, Lalapet, Hyderabad-17
71.	AP Sheep and Goat Development Cooperative Federation, Hyd.	Managing Director, 10-2-289/127 Shanthinagar, Masabtank, Hyderabad-28
72.	Andhra Pradesh State Fishermen Cooperative Societies Federation, Hyd.	Managing Director, O/o Commissioner of Fisheries, 4th lance, Shanthinagar, Mathsya Bhavan, Hyderabad.
73.	Andhra Pradesh Dairy Development Cooperative Federation, Ltd., Hyderabad.	Vijaya Bhavan, Lalapet, Hyderabad-17
74.	Andhra Pradesh State Veterinary Council, Hyderabad.	H.No. 2-289/124, Road, No. 4, Shanthi Nagar, Hyderabad-50028.
75.	Andhra Pradesh Girijan Co-operative Corporation	Telugu Sakshema Bhavan, Masab Tank, Hyderabad-28
76.	Andhra Pradesh State ST Co-operative Finance Corporation (Tricor)	Managing Director, 1st Floor, D.S.S. Bhavan, Masab Tank, Hyderabad.
77.	Andhra Pradesh Education and Welfare Infrastructure Development Corporation (APEWIDC)	4th Floor, Rajiv Vidya Mission Building, SCERT Compound, Hyderabad-500001
78.	Andhra Pradesh Scheduled Castes Co-operative Finance Corporation	VC and MD Damodaram Sanjeevayya Samkshema Bhavan, 5th Floor, Masab Tank, Hyderabad-28

(1)	(2)	(3)
79.	Andhra Pradesh Backward Classes Co-operative Finance Corporation	Sakshema Bhavan, Masab Tank, Hyderabad
80.	Andhra Pradesh Washermen Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
81.	Andhra Pradesh Nayee Brahmana Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
82.	Andhra Pradesh Sagar Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
83.	Andhra Pradesh Valmiki Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
84.	Andhra Pradesh Balija Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
85.	Andhra Pradesh Batraja Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
86.	Andhra Pradesh Medara Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
87.	Andhra Pradesh Kummari Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
88.	Andhra Pradesh Vishwabrahmana Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28
89.	Andhra Pradesh Taddy Tappers Co-operative Societies Federation Ltd.	Samkshema Bhavan, Masab Tank, Hyderabad-28.

THE TENTH SCHEDULE

(See section 75)

CONTINUANCE OF FACILITIES IN CERTAIN STATE INSTITUTIONS

List of Training Institutions/Centres

1. Andhra Pradesh State Co-operative Union, Hyderabad.
2. Andhra Pradesh Study Circle for Backward Classes, Visakhapatnam.

3. Environment Protection Training and Research Institute, Hyderabad.
4. Andhra Pradesh Forest Academy, Rangareddy District.
5. Andhra Pradesh State Council of Science and Technology (APCOST), Hyderabad.
6. Dr.MCR Human Resource Development Institute of Andhra Pradesh, Hyderabad.
7. Centre for Good Governance, Hyderabad.
8. State Institute of Health and Family Welfare, Vengalrao Nagar, Hyderabad.
9. State Board of Technical Education and Training, Hyderabad.
10. Andhra Pradesh Police Academy, Hyderabad.
11. Water and Land Management, Training and Research Institute, Hyderabad.
12. AMR Andhra Pradesh Academy of Rural Development, Hyderabad.
13. Sriramananada Theertha Training and Research Institute.
14. Andhra Pradesh Prohibition and Excise Academy.
15. State Institute of Educational Technology, Hyderabad.
16. State Council of Educational Research and Training, Hyderabad.
17. Andhra Pradesh Study Circle, Hyderabad.
18. Tribal Culture and Research Institute, Sankshema Bhavan, Masab Tank, Hyderabad.
19. Board of Intermediate Education, Hyderabad.
20. Andhra Pradesh State Seeds Certification Agency, Hyderabad.
21. Andhra Pradesh Live Stock Development Agency, Hyderabad.
22. Centre for Forest and Natural Resource Management Studies (CEFNARM), Rangareddi District.
23. Andhra Pradesh Press Academy, Hyderabad.
24. AIDS Control Society, Hyderabad.
25. Andhra Pradesh Medical and Aromatic Plants Board, Hyderabad.
26. Andhra Pradesh Para Medical Board, Hyderabad.
27. Andhra Pradesh State Council of Higher Education, Hyderabad.
28. Forensic Science Laboratory, Hyderabad.
29. State Level Police Recruitment Board.
30. Society for Andhra Pradesh Network (SAPNET), Hyderabad.
31. Andhra Pradesh Engineering Research Labs, Hyderabad.
32. Andhra Pradesh Urdu Academy, Hyderabad.
33. Andhra Pradesh Urban Services for the Poor, Hyderabad.
34. Mission for Elimination of Poverty in Municipal Areas (MEPMA), Hyderabad.
35. Andhra Pradesh Rural Livelihoods Project (P.M.U) , Hyderabad.
36. Water Conservation Mission.
37. Society for Elimination of Rural Poverty, Hyderabad.
38. Employment Generation and Marketing Mission, Hyderabad.

39. Andhra Pradesh State Remote Sensing Applications Centre, Hyderabad.
40. Andhra Pradesh Open School Society, Hyderabad.
41. A.P.R.E.I. Society, Hyderabad.
42. Andhra Pradesh Social Welfare Residential Educational Institutions Society (A.P.S.W.R.E.I.), Hyderabad.
43. State Agriculture Management and Extension Training Institute (SAMETI) Hyderabad.
44. Soil Conservation Training Centre, Hyderabad.
45. State Management Institute for Livestock Development in Andhra Pradesh, Hyderabad (SMILDA), Hyderabad.
46. State Animal Husbandry Training Centre, East Godavari.
47. State Institute for Fisheries Technologies (SIFT), Kakinada.
48. Mahatma Jyothiba Phule Andhra Pradesh Backward Classes Welfare Residential Educational Institutions Society, Hyderabad.
49. Andhra Pradesh Commission for Backward Classes, Hyderabad.
50. Hindi Academy, Hyderabad.
51. Telugu Academy, Hyderabad.
52. Sanskrit Academy, Hyderabad.
53. Oriental Manuscripts Library and Research Institute, Hyderabad.
54. Andhra Pradesh State Archives and Research Institute, Hyderabad.
55. Rajiv Gandhi University of Knowledge Technologies, Hyderabad.
56. Jawaharlal Nehru Architecture and Fine Arts University, Hyderabad.
57. Sri Padmavathi Mahila University, Tirupati.
58. Dravidian University, Kuppam.
59. Telugu University, Hyderabad.
60. Dr. B.R. Ambedkar Open University, Hyderabad.
61. RVM (SSA) Authority, Hyderabad.
62. Andhra Pradesh Government Text Book Press, Hyderabad.
63. State Central Library, Hyderabad.
64. Andhra Pradesh Pollution Control Board, Hyderabad.
65. Andhra Pradesh State Bio-Diversity Board, Hyderabad.
66. Andhra Pradesh National Green Corps, Secundrabad.
67. Directorate of Institute of Preventive Medicine, Hyderabad.
68. Institute for Electronic Governance (IEG) AP Society for Knowledge Networks, Hyderabad.
69. National Institute of Urban Management (NIUM), Hyderabad.
70. Andhra Pradesh State Wakf Board, Hyderabad.
71. The Survey Commissioner of Wakfs, Hyderabad.
72. Centre for Educational Development of Minorities, Hyderabad.
73. Dairatul Maarif, OU Hyderabad.

74. Andhra Pradesh State Haj Committee, Hyderabad.
75. Andhra Pradesh State Development Planning Society, Hyderabad.
76. Extention Training Centre, Rajendranagar.
77. Extention Training Centre, Hasanparthy.
78. Extention Training Centre, Bapatla.
79. Extention Training Centre, Samalkot.
80. Extention Training Centre, Srikalahasthi.
81. Rajiv Education and Employment Mission in Andhra Pradesh (REEMAP), Hyderabad.
82. Society for Rural Development Services, Hyderabad.
83. Society for Social Audit, Accountability and Transparency, Hyderabad.
84. Streenidhi Credit Cooperative Federation Ltd., Hyderabad.
85. Andhra Pradesh Survey Training Academy, Hyderabad.
86. The Ambedkar Research and Training Institute for Scheduled Castes, Hyderabad.
87. Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes, Hyderabad.
88. Victoria Memorial Home (Residential School), Hyderabad.
89. APTW Residential Education Institutions Society (Gurukulam), Hyderabad.
90. DR. YSR Study Circle for Scheduled Tribes (PETC), Secunderabad.
91. Andhra Pradesh Women's Commission, Secunderabad.
92. Andhra Pradesh State Social Welfare Advisory Board, Hyderabad.
93. State Commission for Protection of Child Rights, Secunderabad.
94. The Training Centre for Teachers of Visually Handicapped, Secunderabad.
95. Study Circle for Disabled Andhra Pradesh, Hyderabad.
96. APSRTC Employees THRIFT and Credit Cooperative Society Ltd., Hyderabad.
97. Truck Operators Highway Amenities Society (TOHAS), Hyderabad.
98. National Cadet Corps Directorate, Secunderabad.
99. Shilparamam Arts Crafts Cultural Society, Madhapur, Hyderabad.
100. Dr. YSR National Institute of Tourism and Hospitality Management, Hyderabad.
101. State Institute of Correctional Administration, Chanchalguda, Hyderabad.
102. Andhra Pradesh Fire Services and Civil Defence Training Institute, Hyderabad.
103. Sri Pragada Kotaiah Memorial Indian Institute of Handloom Technology (SPKMIHT), Nellore.
104. Telugu Chenetha Parishramika Shikshna Kendram, Ananthapur.
105. Weavers Training Centre, Karimnagar (WTC), Karim Nagar.
106. Powerloom Service Centre, Sircilla, Karimnagar.
107. Khadi Gramodyoga Maha Vidyalaya, Hyderabad.

THE ELEVENTH SCHEDULE

[See section 85(7)(e)]

Principles governing the functioning of the River Management Boards.

1. The operation protocol notified by the Ministry of Water Resources with respect to water resources arrived at based on appropriate dependability criteria after the adjudication by the Krishna Water Disputes Tribunal shall be binding on both the successor States.

2. In the event of conflicting demand of water for irrigation and power, the requirement of water for irrigation shall take precedence.

3. In the event of conflicting demand of water for irrigation and drinking water, the requirement of water for drinking water purpose shall take precedence.

4. The allocations made by the River Water Tribunals with regard to various projects on Godavari and Krishna Rivers or for the regions of the existing State of Andhra Pradesh, in respect of assured water shall remain the same.

5. Allocations, if any, to be made on excess flows by any Tribunal in future shall be binding on both the State of Telangana and the successor State of Andhra Pradesh.

6. While the successor State Governments shall be responsible for managing natural calamities, the Boards shall advise the two State Governments on the management of disaster or drought or flood in the rivers of Krishna and Godavari, particularly in reference to the release of water for the management and mitigation of the natural calamities. The Boards shall have the full authority to get their orders implemented by the two successor State Governments promptly and effectively in respect of operation of the head works of the dams, reservoirs or head works of canals and works appurtenant thereto including the hydel power projects, as notified by the Central Government, on Krishna and Godavari Rivers.

7. No new projects based on water resources arrived at based on appropriate dependability criteria on Godavari or Krishna rivers can be taken up by the State of Telangana or the State of Andhra Pradesh without obtaining sanction from the Apex Council on River water resources. All such proposals shall be first appraised and technically cleared by the respective Board, before sanction by the said Apex Council.

8. Execution of ongoing projects and future new projects on Godavari and Krishna rivers shall be the responsibility of the State Government concerned where the project is located.

9. In case of non-implementation of the decision by either of the States, the defaulting State shall bear the responsibility and shall face financial and other penalties imposed by the Central Government.

10. The following irrigation projects which are under construction shall be completed as per the plan notified by the existing State of Andhra Pradesh and the water sharing arrangement shall continue as such:—

- (i) Handri Niva
- (ii) Telugu Ganga
- (iii) Galeru Nagiri
- (iv) Venegonda
- (v) Kalvakurthi
- (vi) Nettempadu.

THE TWELFTH SCHEDULE

(See section 92)

A. Coal

1. Of the total equity of Singareni Collieries Company Ltd. (SCCL), 51% shall be with the Government of Telangana and 49% with the Government of India.
2. Existing coal linkages of SCCL shall continue without any change.
3. New linkages shall be allotted to the successor States as per the New Coal Distribution Policy by Government of India.
4. End use plants of the allocated coal blocks shall continue with coal from the block to be supplied in proportion to their respective capacities.

B. Oil and Gas

1. Allocation of natural gas will continue to be done as per the policies and guidelines issued by the Government of India from time to time.
2. The royalties payable on domestic onshore production of oil and gas shall accrue to the State in which such production takes place.

C. Power

1. Units of APGENCO shall be divided based on geographical location of power plants.
2. Existing Power Purchase Agreements (PPAs) with respective DISCOMS shall continue for both on-going projects and projects under construction.
3. The existing Andhra Pradesh Electricity Regulatory Commission (APERC) shall function as a joint regulatory body for a period not exceeding six months within which time separate SERCs will be formed in the successor States.
4. The existing State Load Despatch Centre (SLDC) shall function for both successor States for a period not exceeding two years within which time separate SLDC shall be set up for each successor State. During this period, the existing SLDC shall function under the direct administration and control of the Southern RLDC at Bengaluru.
5. Transmission lines of APTRANSCO of 132 KV and higher voltage cutting across the successor States shall be deemed as Inter-State Transmission System (ISTS) lines. The transmission lines falling within the territory of each successor State shall be transferred to the respective State Transmission Utilities. The maintenance of ISTS lines shall also be done by successor States in their respective jurisdictions.
6. The power of the Central Generating Stations will be allotted in such ratio to the State of Telangana and the State of Andhra Pradesh based on the actual energy consumption of the last 5 years of the relevant DISCOMS in the respective successor State.
7. For a period of ten years, the successor State that has a deficit of electricity shall have the first right of refusal for the purchase of surplus power from the other successor State.
8. The districts of Anantapur and Kurnool which fall within the jurisdiction of the AP Central Power Distribution Company Ltd. will now be reassigned to the AP South Power Distribution Company Ltd.

THE THIRTEENTH SCHEDULE

(See section 93)

Education

1. The Government of India shall take steps to establish institutions of national importance in the 12th and 13th Plan periods in the successor State of Andhra Pradesh. This would include one IIT, one NIT, one IIM, one IISER, one Central University, one Petroleum University, one Agricultural University and one IIIT.
2. The Government of India shall establish one AIIMS-type Super-Specialty Hospital-cum-Teaching Institution in the successor State of Andhra Pradesh.
3. The Government of India shall establish a Tribal University each in the State of Andhra Pradesh and in the State of Telangana.
4. A Horticulture University shall be established in the successor State of Telangana.
5. The Government of India shall establish the National Institute of Disaster Management in the successor State of Andhra Pradesh.

Infrastructure

1. The Government of India shall develop a new major port at Duggirajapatnam in the successor State of Andhra Pradesh to be completed in phases with Phase I by end-2018;
2. SAIL shall examine, within six months from the appointed day, the feasibility of establishing an integrated steel plant in Khammam district of the successor State of Telangana;
3. SAIL shall, within six months from the appointed day, examine the feasibility of establishing an integrated Steel Plant in YSR District of the successor State of Andhra Pradesh;
4. IOC or HPCL shall, within six months from the appointed day, examine the feasibility of establishing a greenfield crude oil refinery and petrochemical complex in the successor State of Andhra Pradesh and take an expeditious decision thereon;
5. The Government of India shall, within six months from the appointed day, examine the feasibility of establishing a Vizag-Chennai industrial corridor along the lines of Delhi-Mumbai Industrial Corridor and take within such period an expeditious decision thereon;
6. The Government of India shall, within six months from the appointed day, examine the feasibility of expanding the existing Visakhapatnam, Vijayawada and Tirupati airports to international standards and take an expeditious decision thereon;
7. NTPC shall establish a 4000 MW power facility in the successor State of Telangana after establishing necessary coal linkages;
8. Indian Railways shall, within six months from the appointed day, examine establishing a new railway zone in the successor State of Andhra Pradesh and take an expeditious decision thereon;
9. NHAI shall take necessary steps to improve road connectivity in the backward regions of the successor State of Telangana;
10. The Indian Railways shall, within six months from the appointed day, examine the feasibility of establishing a Rail Coach Factory in the successor State of Telangana and improve rail connectivity in the State and take an expeditious decision thereon;

11. The Central Government shall take measures to establish rapid rail and road connectivity from the new capital of the successor State of Andhra Pradesh to Hyderabad and other important cities of Telangana;
12. The Government of India shall examine the feasibility of Metro Rail facility in Vishakhapatnam and Vijayawada-Guntur-Tenali Metropolitan Urban Development Authority within period of one year from the appointed day and take an expeditious decision thereon.

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

ARVIND AGARVAL,
Principal Secretary to Government.

Government Central Press, Gandhinagar.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 30th June, 2014.

No. RPB/3-2014/Ord-03-2014/E :-The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1 Dated the 28th May, 2014 is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 28th May, 2014, Jaistha 7, 1936 (Saka)

THE TELECOM REGULATORY AUTHORITY OF INDIA (AMENDMENT) ORDINANCE, 2014

No. 3 OF 2014

[28th May, 2014]

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance further to amend the Telecom Regulatory of India Act, 1997.

WHEREAS Parliament is not in session and the President is satisfied that the circumstances exist which render it necessary for to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Telecom Regulatory Authority of India (Amendment) Ordinance, 2014.

Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 5.

2.

In the Telecom Regulatory Authority of India Act, 1997, in section 5,-

24 of 1997.

(i) for sub-section (8), the following sub-section shall be substituted, namely:-

"(8) The Chairperson and the whole-time members shall not, for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, accept-

(a) any employment either under the Central Government or under any State Government; or

(b) any appointment in any company in the business of telecommunication service.";

(ii) the Explanation at the end shall be omitted.

Sd/-

PRANAB MUKHERJEE,
President.

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,
Principal Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 30th June, 2014.

No. RPB/4-2014/Ord.-04-2014/E :- The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 29th May, 2014 is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 29th May, 2014, Jyaishta 8, 1936 (Saka)

THE ANDHRA PRADESH REORGANISATION (AMENDMENT) ORDINANCE, 2014

No. 4 OF 2014

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance to amend the Andhra Pradesh Reorganisation Act, 2014.

WHEREAS Parliament is not in session and the President is satisfied that the circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :-

1.(1) This Ordinance may be called the Andhra Pradesh Reorganisation (Amendment) Ordinance, 2014.

Short title and
commencement.

(2) It shall come in to force at once.

Amendment
of section 3
of Act 6 of
2014

2. In the Andhra Pradesh Reorganisation Act, 2014, in section 3, for the words, brackets, letters and figures "Khammam (but excluding the revenue villages in the Mandals specified in G.O.Ms. No. 111 Irrigation & CAD (LAIV R&R-I) Department, dated the 27th June, 2005 and the revenue villages of Bhurgampadu, Seetharamanagaram and Kondreka in Bhurgumpadu Mandal)", the words brackets "Khammam (but excluding the Mandals of Kukunoor, Velairpadu and Bhurgampadu but not including its revenue villages of Pinapaka, Morampalli Bazar, Bhurgampad, Nagineniprolu, Krishnasagar, Tekula, Sarapaka, Iravendi, Mothepattinagar, Uppusaka, Sompalli and Nakripeta under the Palvancha Revenue Division, and the Mandals of Chintoor, Kunavaram, Vararamachandrapuram and Bhadrachalam but not including the revenue village of Bhadrachalam under the Bhadrachalam Revenue Division)" Shall be substituted.

Sd/-

PRANAB MUKHERJEE,
President.

Sd/-

P. K. MALHOTRA,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

ARVIND AGARWAL,
Principal Secretary to Government.



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PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Government of Gujarat

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 19th November, 2014.

No. RPB/5-2014/Ord-05-2014/E :- The following Ordinance promulgated by the President and published in the Gazette of India, Extraordinary, Part II, Section I, Dated the 21st October, 2014 is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st October, 2014, Asvina 29, 1936 (Saka)

THE COAL MINES (SPECIAL PROVISIONS) ORDINANCE, 2014

No. 5 OF 2014

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

An Ordinance to provide for allocation of coal mines and vesting of the right, title and interest in and over the land and mine infrastructure together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilisation of coal resources consistent with the requirement of the country in national interest and for matters connected therewith or incidental thereto;

WHEREAS the Supreme Court of India *vide* judgment dated 25th August, 2014 read with its order dated 24th September, 2014 has cancelled the allocation of coal blocks and issued directions with regard to such coal blocks and the Central Government in pursuance of the said directions has to take immediate action to implement the said order;

AND WHEREAS it is expedient in public interest for the Central Government to take immediate action to allocate coal mines to successful bidders and allottees keeping in view the energy security of the country and to minimise any impact on core sectors such as steel, cement and power utilities, which are vital for the development of the nation;

AND WHEREAS the Central Government considers it necessary to prescribe the conditions to rationalise the coal sector for mining operations, consumption and sale having

regard to the coordinated and scientific development and utilisation of coal resources consistent with the growing requirement of the country;

AND WHEREAS Parliament is competent to legislate under entry 54 of List I of the Seventh Schedule to the Constitution for regulation of mines and mineral development to the extent to which such regulation and development under the control of Union is declared by Parliament by law to be expedient in the public interest;

AND WHEREAS a Bill further to amend the Coal Mines (Nationalisation) Act, 1973 has been introduced and pending in the Council of States; 26 of 1973.

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Ordinance may be called the Coal Mines (Special Provisions) Ordinance, 2014.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Declaration as
to expediency
of Union
action.

2. It is hereby declared that it is expedient in the public interest that Union should take action for the development of Schedule I coal mines and extraction of coal on continuous basis for optimum utilisation.

Definitions.

3. (1) In this Ordinance, unless the context otherwise requires,—

(a) "additional levy" shall mean, the additional levy as determined by the Supreme Court in Writ Petition (Criminal) No. 120 of 2012 as two hundred and ninety-five rupees per metric tonne of coal extracted;

(b) "allotment order" means the allotment order issued under section 5;

(c) "appointed date" in relation to—

(i) Schedule I coal mines excluding Schedule II coal mines, shall be the 24th day of September, 2014 being the date on which the allocation of coal blocks to prior allottees stood cancelled; and

(ii) Schedule II coal mines shall be the 1st day of April, 2015 being the date on which the allocation of coal blocks to prior allottees shall stand cancelled, in pursuance of the order of the Supreme Court dated the 24th September, 2014 passed in Writ Petition (Criminal) No. 120 of 2012;

(d) "bank" shall have the same meaning as assigned to it in clause (c) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

54 of 2002.

(e) "coal mining operations" means any operation undertaken for the purpose of winning coal;

(f) "company" shall have the same meaning as assigned to it in clause (20) of section 2 of the Companies Act, 2013;

18 of 2013.

(g) "corporation" shall have the same meaning as assigned to it in clause (11) of section 2 of the Companies Act, 2013;

(h) "financial institution" shall have the same meaning as assigned to it in clause (m) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(i) "government company" shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013;

(j) "mine infrastructure" includes mining infrastructure such as tangible assets used for coal mining operations, being civil works, workshops, immovable coal winning equipment, foundations, embankments, pavements, electrical systems, communication systems, relief centres, site administrative offices, fixed installations, coal handling arrangements, crushing and conveying systems, railway sidings, pits, shafts, inclines, underground transport systems, hauling systems, (except movable equipment unless the same is embedded in land for permanent beneficial enjoyment thereof), land demarcated for afforestation and land for rehabilitation and re-settlement of persons affected by coal mining operations under the relevant law;

(k) "nominated authority" means the authority nominated by the Central Government under section 6;

(l) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(m) "prescribed" means prescribed by rules made under this Ordinance;

(n) "prior allottee" means prior allottee of Schedule I coal mines as listed therein who had been allotted coal mines between 1993 and 31st day of March, 2011, whose allotments have been cancelled pursuant to the judgment of the Supreme Court dated the 25th August, 2014 and its order dated 24th September, 2014 including those allotments which may have been de-allocated prior to and during the pendency of the Writ Petition (Criminal) No.120 of 2012;

(o) "Schedule" means a Schedule appended to this Ordinance;

(p) "Schedule I coal mines" means,—

(i) all the coal mines and coal blocks the allocation of which was cancelled by the judgment dated 25th August, 2014 and its order dated 24th September, 2014 passed in Writ Petition (Criminal) No.120 of 2012, including those allotments which may have been de-allocated prior to and during the pendency of the said Writ Petition;

(ii) all the coal bearing land acquired by the prior allottee and lands, in or adjacent to the coal mines used for coal mining operations acquired by the prior allottee;

(iii) any existing mine infrastructure as defined in clause (j).

(q) "Schedule II coal mines" means the forty-two Schedule I coal mines listed in Schedule II which are the coal mines in relation to which the order of the Supreme Court dated 24th day of September, 2014 was made;

(r) "Schedule III coal mines" means the thirty-two Schedule I coal mines listed in Schedule III or any other Schedule I coal mine notified under sub-section (2) of section 7;

(s) "secured creditor" shall have the same meaning as assigned to it in clause (zd) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(t) "secured debt" shall have the same meaning as assigned to it in clause (ze) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(u) "security interest" shall have the same meaning as assigned to it in clause (zf) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

54 of 2002.

(v) "specified end-use" means any of the following end-uses and the expression "specified end user" shall with its grammatical variations be construed accordingly:

(i) production of iron and steel;

(ii) generation of power including the generation of power for captive use;

(iii) washing of coal obtained from a mine;

(iv) cement;

(v) such other end use as the Central Government, may by notification, specify.

(w) "vesting order" means the vesting order issued under section 8.

(2) Words and expressions used herein and not defined, but defined in the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Mines and Minerals (Development and Regulation) Act, 1957 and the Coal Mines (Nationalization) Act, 1973 including any rules or regulations made thereunder, shall have the meanings, respectively assigned to them in those Acts.

20 of 1957.

67 of 1957.

26 of 1973.

CHAPTER II

AUCTION AND ALLOTMENT

Eligibility to participate in auction and payment of fees.

4. (1) Subject to the provisions of section 5, Schedule I coal mines shall be allocated by way of public auction in accordance with such rules, and on the payment of such fees which shall not exceed five crore rupees, as may be prescribed.

(2) Subject to the provisions in sub-section (3) of this section and section 5, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal, select any of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed—

(a) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India; or

(b) a company or a joint venture company formed by two or more companies, may carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be, and the State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal to such company as selected through auction by competitive bidding under this section.

(3) Subject to the provisions of section 5, the following persons who fulfil such norms as may be prescribed, shall be eligible to bid in an auction of Schedule II coal mines and Schedule III coal mines and to engage in coal mining operations in the event they are successful bidders, namely:—

(a) a company engaged in specified end use including a company having a coal linkage which has made such investment as may be prescribed;

Explanation.—A “company with a coal linkage” includes any such company whose application is pending with the Central Government on the date of commencement of this Ordinance.

(b) a joint venture company formed by two or more companies having a common specified end use and are independently eligible to bid in accordance with this Ordinance;

(c) a Government company or corporation or a joint venture company formed by such company or corporation or with any other company having common specified end use;

Provided that nothing contained in sub-section (2) shall apply to this sub-section.

(4) A prior allottee shall be eligible to participate in the auction process subject to payment of the additional levy within such period as may be prescribed and if the prior allottee has not paid such levy, then, the prior allottee, its promoter or any of its company of such prior allottee shall not be eligible to bid either by itself or by way of a joint venture.

(5) Any prior allottee who is convicted for an offence relating to coal block allocation and sentenced with imprisonment for more than three years, shall not be eligible to participate in the auction.

5. (1) Notwithstanding the provisions contained in sub-sections (1) and (3) of section 4, the Central Government may allot a Schedule I coal mine to a Government company or corporation which is not a joint venture with private company or to a company which has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects) from specified Schedule I coal mines by making an allotment order in accordance with such rules as may be prescribed and the State Government shall grant a reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal to such company or corporation:

Allotment of mines to Government companies or corporations.

Provided that the Government company or corporation may carry on coal mining in any form either for its own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be.

(2) An allotment may be made jointly to a joint venture of two or more Government companies or corporations:

Provided that a joint venture of any two or more Government companies or corporations shall be prohibited from alienating or transferring any interest in the joint venture of whatsoever nature including ownership in favour of a third party.

(3) No allotment under sub-section (1) shall be made to a prior allottee, if that allottee has not made the payment of the additional levy within the specified period.

6. (1) The Central Government shall appoint an officer not below the rank of Joint Secretary to the Government of India as the nominated authority who shall act for and on behalf of the Central Government for the purposes of this Ordinance and shall exercise such powers as may be prescribed.

Central Government to act through nominated authority.

(2) The nominated authority may engage any expert having such qualifications and experience and on such terms and conditions as may be prescribed to make recommendations to the authority for the conduct of auction and in drawing up of the vesting order or allotment order in relation to Schedule I coal mines.

(3) The Central Government shall act through the nominated authority for the following purposes, namely:—

(a) conduct the auction process and allotment with the assistance of experts;

(b) execution of the vesting order for transfer and vesting of Schedule I coal mines pursuant to the auction;

(c) executing the allotment order for any Government company or corporation in pursuance of section 5;

(d) recording and mutating incorporeal rights of whatsoever nature including, consents, permissions, permits, approvals, grants, registrations;

(e) collection of auction proceeds, adjustment of preferential payments and transfer of amount to the respective State Governments where Schedule I coal mine is located in accordance with the provisions of this Ordinance.

(4) The nominated authority shall complete the auction or execute the allotment orders of Schedule I coal mines within such time and in accordance with such rules as may be prescribed.

(5) The Central Government may appoint such other officers and staff as it may think fit to assist the nominated authority.

(6) The salaries and allowances and other terms and conditions of service of the nominated authority and such other officers and staff appointed under this section shall be such as may be prescribed.

Power to
classify
certain
Schedule I
coal mines by
Central
Government.

7. (1) The Central Government may, before notifying the particulars of auction, classify mines identified from Schedule I coal mines as earmarked for the same class of specified end uses.

(2) The Central Government may in public interest, by notification, modify Schedule III coal mines by adding any other Schedule I coal mine for the purposes of specified end use.

Nominated
authority to
issue vesting
order or
allotment
order.

8. (1) The nominated authority shall notify the prior allottees of Schedule I coal mines to enable them to furnish information required for notifying the particulars of Schedule I coal mines to be auctioned in accordance with such rules as may be prescribed.

(2) The information required to be furnished under sub-section (1) shall be furnished within a period of fifteen days from the date of the notification.

(3) A successful bidder in an auction conducted on a competitive basis in accordance with such rules as may be prescribed, shall be entitled to the vesting of Schedule I coal mine for which it bid, pursuant to a vesting order drawn up in accordance with such rules.

(4) The vesting order shall transfer and vest upon the successful bidder, the following, namely:—

(a) all the rights, title and interest of the prior allottee, in Schedule I coal mine concerned with the relevant auction;

(b) entitlement to a mining lease to be granted by the State Government;

(c) any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in Schedule I coal mines if already issued to the prior allottee;

(d) rights appurtenant to the approved mining plan of the prior allottee;

(e) any right, entitlement or interest not specifically covered under clauses (a) to (d).

(5) The nominated authority shall, in consultation with the Central Government, determine the floor price or reserve price in accordance with such rules as may be prescribed.

(6) The successful bidder shall, prior to the issuance and execution of a vesting order, furnish a performance bank guarantee for an amount as notified in relation to

Schedule I coal mine auctioned to such bidder within such time, form and manner as may be prescribed.

(7) After the issuance of a vesting order under this section and its filing with the Central Government and with the appropriate authority designated by the respective State Governments, the successful bidder shall be entitled to take possession of the Schedule I coal mine without let or hindrance.

67 of 1957.

(8) Upon the execution of the vesting order, the successful bidder of the Schedule I coal mine shall be granted a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development and Regulation) Act, 1957.

(9) A Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India, allotted a Schedule I coal mine shall be granted a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development and Regulation) Act, 1957.

(10) In relation to Schedule II coal mines, the successful bidder which was a prior allottee, shall continue coal mining operations after the appointed date in terms of the approved mining plan, till the mining lease in terms of sub-section (8) is granted, upon the grant of a vesting order and to that extent, the successful bidder shall be deemed to have been granted a mining lease till the execution of the mining lease in terms of the said Sub-section.

(11) In relation to Schedule II coal mines, the Government company or corporation which was a prior allottee can continue coal mining operations after the appointed date in terms of the approved mining plan, till the mining lease in terms of sub-section (9) is granted, upon execution of the allotment order and to that extent, the allottee shall be deemed to have been granted a mining lease till the execution of the mining lease in terms of the said Sub-section.

(12) The provisions of sub-sections (1) and (2) and sub-sections (4) to (7) (both inclusive) of this section as applicable to a vesting order, shall *mutatis mutandis* be also applicable to an allotment order.

9. The proceeds arising out of land and mine infrastructure in relation to a Schedule I coal mine shall be disbursed maintaining, *inter alia*, the priority of payments in accordance with such rules as may be prescribed—

Priority of
disbursal of
proceeds.

(a) payment to secured creditors for any portion of the secured debt in relation to a Schedule I coal mine which is unpaid as on the date of the vesting order;

(b) compensation payable to the prior allottee in respect of the Schedule I coal mine.

CHAPTER III

TREATMENT OF RIGHTS AND OBLIGATIONS OF PRIOR ALLOTTEES

10. (1) A successful bidder or allottee in respect of Schedule II coal mines, may negotiate with prior allottee to own or utilise such movable property used in coal mining operations on such terms and conditions as may be mutually agreed to by them.

Utilisation of
movable
property used
in coal
mining
operations.

(2) Where a successful bidder or allottee is not vested with any movable property of a Schedule I coal mine, then, he is not bound by any liabilities or obligations arising out of such ownership or contractual rights, obligations or liabilities which shall continue to remain with the prior allottee.

(3) In the event that the successful bidder or allottee is unable to satisfactorily negotiate with the prior allottee or any third party who has a contract with the prior allottee for the movable property, it shall be the obligation of the prior allottee or the third party to remove

such movable property within a period not exceeding thirty days from the date of the vesting order, or the allotment order, as the case may be, and the successful bidder or allottee shall not be liable for any damage to such property.

(4) A successful bidder or allottee which has elected not to purchase or transfer or continue to use the movable property referred to in sub-section (1), shall prior to the execution of the vesting order or the allotment order, as the case may be, declare to the nominated authority that he intends to move and store such movable property of the prior allottee or such third party and after the date of the vesting order or the allotment order, as the case may be, the successful bidder or allottee shall be entitled to move and store such movable property, so as not to cause any impediment for coal mining operations.

(5) If a prior allottee or such third party which has contracted with the prior allottee for its movable property, fails to remove the movable property which the successful bidder or allottee has elected not to purchase or use in accordance with sub-section (4), then, after the period of seventy-five days from the vesting order or the allotment order, as the case may be, a successful bidder or allottee shall be entitled to dispose off such movable property which may be physically located within Schedule II coal mine, the successful bidder or the allottee, shall, in such event be entitled to appropriate the sale proceeds of such movable property disposed off to pay for any cost incurred by the successful bidder or allottee, for the removal, storage, sale and disposal of such movable property, as a first charge over the sale proceeds of such movable property:

Provided that the remaining sale proceeds after appropriation of costs, shall be paid by the successful bidder or allottee to the Central Government towards any compensation that may be payable to the owner of such movable property sold, upon establishment of title to such movable property in accordance with such rules as may be prescribed:

Provided further that if a third party contractor to the prior allottee owns such movable property, then, such third party shall be entitled to prove its right to receive compensation from the sale proceeds of the movable property sold as per this sub-section, in accordance with such rules as may be prescribed.

Discharge or adoption of third party contracts with prior allottees.

11. (1) Notwithstanding anything contained in any other law for the time being in force, a successful bidder or allottee, as the case may be, in respect of Schedule I coal mines, may elect, to adopt and continue such contracts which may be existing with any of the prior allottees in relation to coal mining operations and the same shall constitute a novation for the residual term or residual performance of such contract:

Provided that in such an event, the successful bidder or allottee or the prior allottee shall notify the nominated authority to include the vesting of any contracts adopted by the successful bidder.

(2) In the event that a successful bidder or allottee elects not to adopt or continue with existing contracts which had been entered into by the prior allottees with third parties, in that case all such contracts which have not been adopted or continued shall cease to be enforceable against the successful bidder or allottee in relation to the Schedule I coal mine and the remedy of such contracting parties shall be against the prior allottees.

Provisions in relation to secured creditors.

12. (1) The secured creditors of the prior allottees which had any security interest in any part of the land or mine infrastructure of a Schedule I coal mine shall be entitled to—

(a) continue with such facility agreements and security interest with the prior allottee if such prior allottee is a successful bidder or allottee; and

(b) in the event that the prior allottee is not a successful bidder or allottee, then the security interest of such secured creditor shall only be satisfied out of the compensation payable to such prior allottee, to the extent determined in accordance with such rules as may be prescribed and the outstanding debt shall be recoverable from the prior allottee.

(2) The Central Government shall, taking into consideration the provisions contained in section 9, prescribe the manner in which the secured creditor shall be paid out of the compensation in respect of any prior allottee.

13. Any and all alienations of land and mine infrastructure and creation of any encumbrances of whatsoever nature thereon which relate to Schedule I coal mines, made by any prior allottee after the 25th day of August, 2014 shall be void, save and except any registered security interest and charge over the land and mine infrastructure as registered by a bank or a financial institution or any other secured lender.

Void
alienations
and permitted
security
interests.

14. (1) Notwithstanding anything contained in any other law for the time being in force, no proceedings, orders of attachment, distress, receivership, execution or the like, suits for the recovery of money, enforcement of an security or guarantee (except as otherwise provided for under this Ordinance), prior to the date of commencement of this Ordinance shall lie, or be proceeded further with and no remedies shall be available against the successful bidder, or allottee, as the case may be or against the land and mine infrastructure in respect of Schedule I coal mines.

Liabilities of
prior
allottees.

(2) The proceedings as referred to in sub-section (1), shall continue as a personal remedy against the prior allottee but shall not be maintainable or continued against the land or mine infrastructure of Schedule I coal mine or the successful bidder or allottee, pursuant to this Ordinance.

(3) Every liability of any prior allottee in relation to a Schedule I coal mine in respect of any period prior to the vesting order or allotment order, shall be the liability of such prior allottee and shall be enforceable against it and not against the successful bidder or allottee or the Central Government.

(4) All unsecured loans shall continue to remain the liability of the prior allottee.

(5) The additional levy imposed against the prior allottees of Schedule II coal mines shall continue to remain the liability of such prior allottees and such additional levy shall be collected by the Central Government in such manner as may be prescribed.

(6) For the removal of doubts, it is hereby declared that—

(a) no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a Schedule I coal mine in respect of any period prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be;

(b) no award, decree, attachment or order of any court, tribunal or other authority in relation to any Schedule I coal mine passed prior to the date of commencement of this Ordinance, in relation to the land and mine infrastructure of Schedule I coal mines, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be;

(c) no liability for the contravention of any provision of law for the time being in force, relating to any act or omission prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the successful bidder or allottee or the Central Government.

15. (1) For the purposes of disbursing the amounts payable to the prior allottees of Schedule I coal mines, the Central Government shall appoint an officer not below the rank of Joint Secretary to the Government of India, to be the Commissioner of Payments.

Commissioner
of Payments
to be
appointed and
his powers.

(2) The Central Government may appoint such other officers and staff as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such officers to also exercise all or any of the powers exercisable by him under this Ordinance.

(3) Any officer authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on him directly by this Ordinance and not by way of authorisation.

(4) The salaries and allowances and other terms and conditions of service of the Commissioner and other officers and staff appointed under this section shall be such as may be prescribed.

(5) The Central Government shall, within a period of thirty days from such date as may be notified pay to the Commissioner for payment to the prior allottee, an amount equal to the compensation determined by the nominated authority.

(6) Separate records shall be maintained by the Commissioner in respect of each Schedule I coal mine in relation to which payments have been made to him under this Ordinance.

Valuation of compensation for payment to prior allottee.

16. (1) The quantum of compensation for the land in relation to Schedule I coal mines shall be as per the registered sale deeds lodged with the nominated authority in accordance with such rules as may be prescribed, together with twelve per cent. simple interest from the date of such purchase or acquisition, till the date of the execution of the vesting order or the allotment order, as the case may be:

(2) The quantum of compensation for the mine infrastructure in relation to Schedule I coal mines shall be determined as per the written down value reflected in the statutorily audited balance sheet of the previous financial year in accordance with such rules and in such manner as may be prescribed.

(3) If the successful bidder or allottee is a prior allottee of any of the Schedule I coal mines, then, the compensation payable to such successful bidder or allottee shall be set off or adjusted against the auction sum or the allotment sum payable by such successful bidder or allottee, as the case may be, for any of the Schedule I coal mines.

(4) The prior allottee shall not be entitled to compensation till the additional levy has been paid.

CHAPTER IV

POWERS OF THE CENTRAL GOVERNMENT AFTER THE APPOINTED DATE

Responsibility of Central Government after the appointed date.

17. (1) On and from the appointed date, the Central Government or a company owned by the Central Government shall be deemed to have become the lessee or licensee of the State Government in relation to each of the Schedule II coal mines, in respect of which a mining lease or prospecting licence has been granted prior to the date of commencement of this Ordinance, as if a mining lease or prospecting licence in relation to such coal mine had been granted to the Central Government or a company owned by the Central Government and the period of such lease or licence shall be the maximum period for which such lease or licence could have been granted by the State Government under the Mineral Concession Rules, 1960, and thereupon all the rights under such mining lease, including surface, underground and other rights shall be deemed to have been transferred to, and vested in, the Central Government or a company owned by the Central Government.

(2) On the expiry of the term of any lease or licence, referred to in sub-section (1), such lease or licence shall be renewed, by the State Government, in consultation with the Central Government for the maximum period for which such lease or licence can be renewed under the Mineral Concession Rules, 1960.

67 of 1957.

(3) As it is considered expedient and necessary in the public interest and in view of the difficult situation which has arisen, the powers of the State Government, under the Mines and Minerals (Development and Regulation) Act, 1957, to prematurely terminate a prospecting licence or mining lease, shall stand suspended, in relation to Schedule I coal mines, for a period of one year from the date of commencement of this Ordinance or such other period as may be notified by the Central Government.

18. (1) On and from the appointed date, if the auction or allotment of Schedule I coal mines is not complete, the Central Government shall appoint any person as a designated custodian for such coal mines as may be notified by the Central Government to manage and operate such notified coal mines.

Central Government to appoint designated custodian.

(2) The designated custodian shall act for and on behalf of the Central Government in respect of the notified coal mines under sub-section (1) to operate and manage such Schedule I coal mines in such manner as may be notified, till the completion of the auction of such coal mines or allotment under section 4 and section 5 read with section 8, as the case may be.

19. (1) The designated custodian appointed under sub-section (1) of section 18, shall be entitled to take control and possession of all lands, in or adjacent to Schedule II coal mines, and used for coal mining operations and the mine infrastructure in relation to Schedule II coal mine, on behalf of the Central Government.

Powers and functions of the designated custodian in respect of Schedule II coal mines.

(2) The designated custodian may direct the prior allottees or any other persons in-charge of the management of the Schedule II coal mine and coal mining operations immediately before the appointed date to provide the requisite manpower, as may be necessary, to ensure continuity in coal mining operations and production of coal.

(3) The designated custodian shall receive, to the exclusion of all other persons, any monies due to Schedule II coal mines, notwithstanding cases where such receipt pertains to a transaction made at any time before the appointed date.

(4) The designated custodian may call for any information, records and documents in relation to Schedule II coal mines and coal mining operations from any or all such persons who were in charge of the management and operation of such Schedule II coal mines prior to the appointed date, and such persons shall be bound to deliver to the designated custodian all such documents in their custody relating to Schedule II coal mines.

(5) The designated custodian may appoint such consultants or experts, as may be necessary, in relation to the management and operation of Schedule II coal mines.

(6) The designated custodian shall transfer the management and operation of any Schedule II coal mines to such person in such manner as may be prescribed.

(7) The designated custodian shall have the power to perform such other functions which may be consequential or incidental to the functions specified under this section.

(8) Notwithstanding anything contained in any other law for the time being in force, the designated custodian shall, in exercise of its or powers or the performance of its functions under this Ordinance, be bound by such directions on questions of policy, as the Central Government may give in writing to it from time to time.

CHAPTER V

CERTAIN ARRANGEMENTS

20. (1) A successful bidder or allottee or coal linkage holder shall, with prior approval of the Central Government and in accordance with such rules as may be prescribed, be entitled to enter into certain agreements or arrangements with other successful bidder or allottee or coal linkage holder, as the case may be, for optimum utilisation of coal mine for the same end uses in the public interest and to achieve cost efficiencies.

Power of Central Government to approve certain arrangements.

(2) A successful bidder or allottee may also use the coal mine from a particular Schedule I coal mine for any of its plants engaged in common specified end uses, in accordance with such rules as may be prescribed.

CHAPTER VI

MISCELLANEOUS

Acquisition
of land.

21. (1) All existing land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in relation to Schedule I coal mines, shall continue in respect of such areas of land in accordance with the provisions of the said Act.

30 of 2013.

(2) All such areas of land which are not subject matter of land acquisition proceedings, in relation to the coal mines, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 may be proceeded with by the Central Government in terms of the Coal Bearing Areas (Acquisition and Development) Act, 1957.

20 of 2013.

20 of 1957.

(3) The State Governments which have initiated land acquisition proceedings under provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and all such lands which are also subject matter of the said Act in respect of Schedule I coal mines, shall—

20 of 2013.

(a) not transfer any land to the prior allottees which have been acquired under the said Act;

(b) continue the land acquisition proceedings till the appointed date;

(c) for such Schedule I coal mines which have not vested in the successful bidder or the allottee, as the case may be, by the appointed date, continue the land acquisition proceedings for and on behalf of the Central Government;

(d) upon the vesting or the allotment, as the case may be, after the appointed date, continue such land acquisition proceedings on behalf of the successful bidder or the allottee.

Realisation
of additional
levy.

22. If a prior allottee of Schedule II coal mine fails to deposit the additional levy with the Central Government within the specified time, then, such additional levy shall be realised as the arrears of land revenue.

Penalties for
certain
offences.

23. If any person—

(a) obstructs or causes any impediment in taking possession or in the management and operation of the Schedule I coal mines by the Central Government or the designated custodian; or

(b) fails to deliver to the designated custodian any books of account, registers or any other document in his custody relating to Schedule I coal mines and coal mining operations in respect of the management of which the designated custodian has been appointed; or

(c) destroys or misuses any mine infrastructure or coal stock; or

(d) retains any property of such coal mine or removes or destroys it,

he and any officer-in-default of the company shall be punishable with imprisonment for a term which may extend to two years, or with the minimum fine of one lakh rupees per day and in the case of continuing failure, with a maximum fine of two lakh rupees for every day during which the failure continues or with both, depending upon the nature of the offence.

24. If any person fails to comply, without reasonable cause, with a direction given by the Central Government or nominated authority or the designated custodian, he shall be punishable with a fine of one lakh rupees and in the case of continuing failure with a maximum fine of two lakh rupees for every day during which the failure continues, depending upon the nature of the offence.

Penalty for failure to comply with directions of Central Government.

25. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for conduct of business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

26. No court shall take cognizance of any offence punishable under this Ordinance or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or nominated authority or the designated custodian.

Cognizance of offences.

27. The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

Ordinance to have overriding effect.

26 of 1973.
67 of 1957.

28. On and from the date of commencement of this Ordinance, the Coal Mines (Nationalisation) Act, 1973 and the Mines and Minerals (Development and Regulation) Act, 1957 shall stand amended in the manner provided in Schedule IV.

Amendment of certain Acts contained in Schedule IV.

29. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the provisions of this Ordinance.

Power to make rules.

(2) In particular, and without prejudice the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of allocation of Schedule I coal mines by way of public auction and details of fees under sub-section (1) of section 4;

(b) the terms and conditions for granting reconnaissance permit, prospecting licence or mining lease and the manner and conditions of competitive bidding under sub-section (2) of section 4;

(c) norms to become eligible to bid in an auction and the amount of investment in respect of a company having a coal linkage under sub-section (3) of section 4;

(d) the period within which the payment of additional levy by the prior allottee under of sub-section (4) of section 4;

(e) the allotment order to make allocations to a Government company or corporation under sub-section (3) of section 5;

(f) the powers of the nominated authority under sub-section (1) of section 6;

(g) the manner of bidding for Schedule II coal mines and execution of the allocation orders under sub-section (5) of section 6;

(h) the salaries and allowances and other terms and conditions of service of the nominated authority and other officers and staff under sub-section (6) of section 6;

(i) the manner of notifying the particulars of Schedule I coal mines to be auctioned and furnishing of required information by the prior allottees under sub-section (1) of section 8;

(j) the manner of conducting auction and drawing of a vesting order under sub-section (3) of section 8;

(k) determination of floor price by the nominated authority under sub-section (5) of section 8;

(l) the form and manner of furnishing of bank guarantee and the time within which such furnishing of bank guarantee under sub-section (6) of section 8;

(m) the manner of disbursement of priority payments under section 9;

(n) the manner of establishing title of movable property by the prior allottee or third party who has a contract with the prior allottee for the movable property under the first proviso to sub-section (5) of section 10;

(o) the manner of receiving compensation from the sale proceeds of the movable property under the second proviso to sub-section (5) of section 10;

(p) the manner in which the secured creditor paid out of the compensation in respect of any prior allottee under sub-section (2) of section 12;

(q) the manner of collection of additional levy by the Central Government from the prior allottees of Schedule II coal mines under sub-section (5) of section 14;

(r) the salaries and allowances and other terms and conditions of service of the Commissioner of Payments and other officers and staff under sub-section (4) of section 15;

(s) the manner of determination of compensation payable to prior allottee and the lodging of registered sale deeds with the nominated authority under sub-section (1) of section 16;

(t) the method of determination of compensation for mine infrastructure in relation to Schedule I and its reflection in the statutorily audited balance sheet under sub-section (2) of section 16;

(u) the manner of transfer of the management and operation of any Schedule II coal mines by the designated custodian under sub-section (6) of section 19;

(v) the manner of providing agreements or arrangements for optimum utilisation of coal mined for specified end uses under sub-section (1) of section 20;

(w) the manner of usage of coal mine by a successful bidder or allottee for any of its plants under sub-section (2) of section 20;

(x) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under and every notification issued by the Central Government, under this Ordinance, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in

one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification, or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

30. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

SCHEDULE-I
[See section 3(1)(p)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
1.	Tadicherla-I	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
2.	Anesttipali	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
3.	Punkula-Chilka	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
4.	Penagaddppa	Andhra Pradesh Power Generation Corpn. Ltd.	Andhra Pradesh
5.	Namchik Nampbuk	Arunachal Pradesh Mineral Dev. & Trading Corporation	Arunachal Pradesh
6.	Sayang	AES Chhattisgarh Energy Pvt. Ltd.	Chhattisgarh
7.	Rajgamar Dipside (Deavnara)	API Ispat & Powertech Pvt. Ltd., CG Sponge Manufacturers Consortium Coalfield Pvt. Ltd.	Chhattisgarh
8.	Durgapur-II/ Taraimar	Bharat Aluminium Company Ltd.	Chhattisgarh
9.	Datima	Binani Cement Ltd.	Chhattisgarh
10.	Tara	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
11.	Gare Pelma, Sector-I	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
12.	Shankarpur Bhatgaon II Extn.	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
13.	Sondhja	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
14.	Parsa	Chhattisgarh State Electricity Board	Chhattisgarh
15.	Vijay Central	Coal India Limited, SKS Ispat & Power Ltd.	Chhattisgarh
16.	Gidhmuri	Chhattisgarh State Electricity Board	Chhattisgarh
17.	Paturia	Chhattisgarh State Electricity Board	Chhattisgarh
18.	Durgapur-II /Sarya	DB Power Ltd.	Chhattisgarh
19.	Bhaskarpara	Electrotherm (India) Ltd., Grasim Industries Ltd.	Chhattisgarh
20.	West of Umaria	Sainik Finance and Industries Ltd. (Earlier Garuda Clays Ltd.)	Chhattisgarh
21.	Morga II	Gujarat Mineral Development Corporation	Chhattisgarh
22.	Gare Pelma Sector III	Goa Industrial Development Corporation	Chhattisgarh
23.	Madanpur South	Hindustan Zinc Ltd., Akshya Investment Pvt. Ltd., Chhattisgarh Steel & Power Ltd., Chhattisgarh Electricity Corporation Ltd., MSP Steel & Power Ltd., Chhattisgarh Captive Coal Mining Ltd. (Consortium of five Cos.)	Chhattisgarh
24.	Nakia I	Ispat Godavari Ltd., Ind Agro Synergy Ltd., Shri Nakoda Ispat Ltd., Vandana Gopal Ltd., Shree Bajrang Power & Ispat Ltd.	Chhattisgarh
25.	Nakia II	Ispat Godavari, Ind Agro Synergy, Shri Nakoda Ispat, Vandana Gopal Ltd., Shree Bajrang Power & Ispat Ltd.	Chhattisgarh
26.	Gare-Palma- IV/4	Jayaswal Neco Ltd.	Chhattisgarh
27.	Gare Palma IV/8	Jayaswal Neco Ltd.	Chhattisgarh
28.	Gare-Palma-IV/2	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
29.	Gare-Palma-IV/3	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
30.	Gare-Palma-IV/1	Jindal Strips Limited (Now Jindal Steel & Power Ltd.)	Chhattisgarh

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
31.	Gare Palma IV/6	Jindal Steel & Power Ltd., Nalwa Sponge Iron Ltd.	Chhattisgarh
32.	Fatehpur East	JLD Yavatmal Energy Ltd., R.K.M. Powergen Pvt. Ltd., Visa Power Ltd., Green Infrastructure Pvt. Ltd., Vandana Vidyut Ltd.	Chhattisgarh
33.	Morga-I	Madhya Pradesh State Mining Corporation Limited	Chhattisgarh
34.	Morga III	Madhya Pradesh State Mineral Corporation Limited	Chhattisgarh
35.	Morga IV	Madhya Pradesh State Mineral Corporation Limited	Chhattisgarh
36.	Gare Pelma Sector II	Maharashtra State Mining Corpn Ltd., Tamil Nadu State Electricity Board	Chhattisgarh
37.	Gare-Palma-IV/5	Monet Ispat Ltd.	Chhattisgarh
38.	Rajgamar Dipside (South of Phulakdih Nala)	Monnet Ispat and Energy Ltd., Topworth Steel Pvt. Ltd.	Chhattisgarh
39.	Talaipali	National Thermal Power Ltd.	Chhattisgarh
40.	Chotia	Prakash Industries Ltd.	Chhattisgarh
41.	Gare-Palma-IV/7	Raipur Alloys & Steel Ltd. (Now Sarda Energy and Mineral Limited)	Chhattisgarh
42.	Parsa East	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
43.	Kesla North	Rathi Udyog Ltd.	Chhattisgarh
44.	Kanta Basan	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
45.	Panchbahani	Shree Radhe Industries Ltd.	Chhattisgarh
46.	Fatehpur	SKS Ispat and Power Ltd., Prakash Industries Ltd.	Chhattisgarh
47.	Madanpur (North)	Ultratech Ltd., Singhal Enterprise Ltd., Nav Bharat Coalfield Ltd., Vandana Energy & Steel Pvt. Ltd., Prakash Industries Ltd., Anjani Steel Pvt. Ltd., Chhattisgarh Captive Coal Mining Ltd. (Consortium of five Co.)	Chhattisgarh
48.	Brinda	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
49.	Sasai	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
50.	Meral	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
51.	Seregarha	Arcelor Mittal India Ltd., GVK Power (Govindwal Sahib) Ltd.	Jharkhand
52.	Patal East	Bhushan Power and Steel Ltd.	Jharkhand
53.	Saria Koibatand	Bihar Rajya Khanij Vikas Nigam (BRKVN) Patna	Jharkhand
54.	Macherkunda	Bihar Sponge Iron Ltd.	Jharkhand
55.	Brahmadiha	Castron Technologies Ltd.	Jharkhand
56.	Mahuagarhi	Calcutta Electricity Supply Corporation Ltd. (CESC), Jas Infrastructure Capital Pvt. Ltd.	Jharkhand
57.	Chitarpur	Corporate Ispat Alloys Ltd.	Jharkhand
58.	Saharpur Jamarpani	Damodar Valley Corporation	Jharkhand
59.	Lalgarh (North)	Domco Smokeless Fuel Pvt. Ltd.	Jharkhand
60.	Parbatpur-Central	Electrosteel Castings Ltd.	Jharkhand
61.	Chakla	Essar Power Ltd.	Jharkhand
62.	Ashok Karkatta Central	Essar Power Ltd.	Jharkhand
63.	Jainagar	Gujarat Mineral Development Corporation (GMDC)	Jharkhand

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
64.	Tokisud North	GVK Power (Govindwal Sahib) Ltd.	Jharkhand
65.	Tubed	Hindalco Industries Ltd., Tata Power Company Ltd.	Jharkhand
66.	Moitra	Jayaswal Neco Ltd.	Jharkhand
67.	North Dhadu	Jharkhand Ispat Pvt. Ltd, Pavanjay Steel & Power Ltd., Electrosteel castings Ltd, Adhunik Alloys & Power Ltd.	Jharkhand
68.	Banhardih	Jharkhand State Electricity Board	Jharkhand
69.	Sugia Closed mine	Jharkhand State Mineral Development Corporation	Jharkhand
70.	Rauta Closed mine	Jharkhand State Mineral Development Corporation	Jharkhand
71.	Burakhap small patch	Jharkhand State Mineral Development Corporation	Jharkhand
72.	Pindra-Debipur-Khaowatand	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
73.	Latehar	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
74.	Patratu	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
75.	Rabodih OCP	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
76.	Jogeshwar & Khas Jogeshwar	Jharkhand State Mineral Development Corporation	Jharkhand
77.	Jitpur	Jindal Steel & Power Ltd.	Jharkhand
78.	Amarkonda Murgadangal	Jindal Steel and Power Ltd., Gagan Sponge Iron Pvt. Ltd.	Jharkhand
79.	Urma Paharitola	Jharkhand State Electricity Board, Bihar State Mineral Development Corporation Ltd.	Jharkhand
80.	Rohne	JSW Steel Ltd., Bhushan Power & Steel Ltd., Jai Balaji Industries Ltd.	Jharkhand
81.	Gomia	Metals and Minerals Trading Corporation	Jharkhand
82.	Rajhara North (Central & Eastern)	Mukund Limited, Vini Iron & Steel Udyog Limited	Jharkhand
83.	Dumri	Nilachal Iron & Power Ltd., Bajrang Ispat Pvt. Ltd.	Jharkhand
84.	Kerandari	National Thermal Power Ltd.	Jharkhand
85.	Chatti Bariatu	National Thermal Power Ltd.	Jharkhand
86.	Chhati Bariatu South	National Thermal Power Ltd.	Jharkhand
87.	Brahmini	National Thermal Power Ltd.+ Coal India Limited JV	Jharkhand
88.	Chichro Patsimal	National Thermal Power Ltd.+ Coal India Limited JV	Jharkhand
89.	Pachwara Central	Punjab State Electricity Board	Jharkhand
90.	Mahal	Rashtriya Ispat Nigam Limited	Jharkhand
91.	Tenughat-Jhirki	Rashtriya Ispat Nigam Limited	Jharkhand
92.	Bundu	Rungta Mines Limited	Jharkhand
93.	Mednirai	Rungta Mines Limited, Kohinoor Steel (P) Ltd.	Jharkhand
94.	Choritand Tiliaya	Rungta Mines Limited, Sunflag Iron & Steel Co. Ltd.	Jharkhand
95.	Sitanala	Steel Authority of India Ltd.	Jharkhand
96.	Ganeshpur	Tata Steel Ltd., Adhunik Thermal Energy	Jharkhand
97.	Badam	Tenughat Vidyut Nigam Limited	Jharkhand

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
98.	Rajbar E&D	Tenughat Vidyut Nigam Limited	Jharkhand
99.	Gondulpara	Tenughat Vidyut Nigam Limited, Damodar Valley Corporation	Jharkhand
100.	Kotre -Basantpur	Tata Iron and Steel Co. Ltd.(Now Tata Steel Ltd.)	Jharkhand
101.	Pachmo	Tata Iron and Steel Co. Ltd. (Now Tata Steel Ltd.)	Jharkhand
102.	Lohari	Usha Martin Ltd.	Jharkhand
103.	Kathautia	Usha Martin Ltd.	Jharkhand
104.	Pachwara North	West Bengal Power Development Corporation Limited (WBPDC)	Jharkhand
105.	Suliyari	Andhra Pradesh Mineral Development Corporation	Madhya Pradesh
106.	Bikram	Birla Corporation Ltd.	Madhya Pradesh
107.	Gotitoria (East)	BLA Industries Ltd.	Madhya Pradesh
108.	Gotitoria (West)	BLA Industries Ltd.	Madhya Pradesh
109.	Mahan	Essar Power Ltd., Hindalco Industries Ltd.	Madhya Pradesh
110.	Mandla North	Jaiprakash Associates Ltd.	Madhya Pradesh
111.	Urtan North	Jindal Steel & Power Ltd., Monet Ispat and Energy Ltd.	Madhya Pradesh
112.	Thesgora-B/ Rudrapuri	Kamal Sponge Steel & Power Limited, Revati Cement P. Ltd.	Madhya Pradesh
113.	Amelia	Madhya Pradesh State Mining Corporation	Madhya Pradesh
114.	Amelia (North)	Madhya Pradesh State Mining Corporation	Madhya Pradesh
115.	Mandla South	Madhya Pradesh State Mining Corporation Ltd.	Madhya Pradesh
116.	Dongeri Tal-II	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
117.	Marki Barka	Madhya Pradesh State Mining Corporation (MPSMC)	Madhya Pradesh
118.	Semaria/Piparia	Madhya Pradesh State Mining Corporation (MPSMC)	Madhya Pradesh
119.	Bicharpur	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
120.	Tandsi-III & Tandsi-III (Extn.)	Mideast Integrated Steels Ltd.	Madhya Pradesh
121.	Sahapur East	National Mineral Dev. Corp.	Madhya Pradesh
122.	Sahapur West	National Mineral Dev. Corp.	Madhya Pradesh
123.	Mara II Mahan	NCT of Delhi, Delhi, Haryana Power Generation Corp. Ltd. (HPGCL)	Madhya Pradesh
124.	Sial Ghoghri	Prism Cement Limited	Madhya Pradesh
125.	Brahampuri	Pushp Steel and Mining Ltd.	Madhya Pradesh
126.	Rawanwara North	SKS Ispat Limited	Madhya Pradesh
127.	Bander	AMR Iron & Steels Pvt. Ltd., Century Textiles & Industries Ltd., J.K.Cement Ltd.	Maharashtra
128.	Marki Mangli-I	B.S. Ispat Ltd.	Maharashtra
129.	Takli-Jena- Bellora (North) & Takli-Jena- Bellora (South)	Central Collieries Co. Ltd. and Lloyds Metals & Engineering Ltd.	Maharashtra
130.	Dahegaon/ Makard hokra- IV	IST Steel & Power Ltd., Gujarat Ambuja Cement Ltd., Lafarge India Pvt. Ltd.	Maharashtra

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
131.	Gondkhari	Maharashtra Seamless Limited, Dhariwal Infrastructure (P) Ltd., Kesoram Industries Ltd.	Maharashtra
132.	Marki-Zari-Jamani-Adkoli	Maharashtra State Mining Corpn. Ltd.	Maharashtra
133.	Lohara (East)	Murli Industries Ltd., Grace Industries Ltd.	Maharashtra
134.	Khappa & Extn.	Sunflag Iron & Steel Ltd., Dalmia Cement (Bharat) Ltd.	Maharashtra
135.	Lohara West Extn.	Adani Power Ltd.	Maharashtra
136.	Warora West (North)	Bhatia International Ltd.	Maharashtra
137.	Kosar Dongergaon	Chaman Metaliks Ltd.	Maharashtra
138.	Warora (West) Southern Part	Fieldmining & Ispat Ltd.	Maharashtra
139.	Chinora	Fieldmining & Ispat Ltd.	Maharashtra
140.	Majra	Gondwana Ispat Ltd.	Maharashtra
141.	Nerad Malegaon	Gupta Metaliks & Power Ltd., Gupta Coalfields & Washeries Ltd.	Maharashtra
142.	Baranj - I	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
143.	Baranj - II	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
144.	Baranj - III	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
145.	Baranj - IV	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
146.	Kiloni	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
147.	Manora Deep	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
148.	Agarzari	Maharashtra State Mining Corporation Limited (MSMCL)	Maharashtra
149.	Warora	Maharashtra State Mining Corporation Limited (MSMCL)	Maharashtra
150.	Bhandak West	Shree Baidyanath Ayurved Bhawan Ltd.	Maharashtra
151.	Marki Mangli-II	Shree Veerangana Steel Limited.	Maharashtra
152.	Marki Mangli-III	Shree Veerangana Steel Limited.	Maharashtra
153.	Marki Mangli-IV	Shree Veerangana Steel Limited.	Maharashtra
154.	Belgaon	Sunflag Iron & Steel Co. Ltd.	Maharashtra
155.	Mandakini B	Assam Mineral Dev. Corporation Ltd., Meghalaya Mineral Dev. Corp, Tamil Nadu Electricity Board, Orissa Mining Corporation Ltd.	Orissa
156.	New Patrapara	Bhusan Steel & Strips Ltd., Adhunik Metaliks Ltd., Deepak Steel & Power Ltd., Adhunik Corp. Ltd., Orissa Sponge Iron Ltd., SMC Power Generation Ltd., Sree Metaliks Ltd., Visa Steel Ltd.	Orissa
157.	Bijahan	Bhushan Ltd., Shri Mahavir Ferro Alloys Pvt. Limited	Orissa
158.	Jamkhani	Bhushan Ltd.	Orissa
159.	Naini	Gujarat Mineral Development Corporation, Pondichery Industrial Promotion Development and Investment Corporation Limited	Orissa
160.	Mahanadi	Gujarat State Electricity Corporation Limited, Maharashtra State Electricity Board	Orissa
161.	Machhakata	Gujarat State Electricity Corporation Limited, Maharashtra State Electricity Board	Orissa

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
162.	Talabira-I	Hindalco Industries Ltd.	Orissa
163.	Ramchandi Promotion Block	Jindal Steel & Power Limited	Orissa
164.	Utkal B I	Jindal Steel & Power Ltd.	Orissa
165.	Baitarni West	Kerala State Electricity Board, Orissa Hydro Power Corp., Gujarat Power Corporation Ltd.	Orissa
166.	Talabira II & III	Mahanadi Coalfields Ltd. (MCL), Neyveli Lignite Corporation Ltd., Hindalco Industries Ltd.	Orissa
167.	Utkal-A	Mahanadi Coalfields Ltd. (MCL), JSW Steels Ltd., Jindal Thermal Power Comp. Ltd., Jindal Stainless Steels Ltd., Shyam DRI Ltd.	Orissa
168.	Utkal-B2	Monet Ispat Ltd.	Orissa
169.	Mandakini	Monet Ispat Energy Ltd., Jindal Photo Ltd., Tata Power Company Ltd.	Orissa
170.	Utkal-E	National Aluminium Corporation	Orissa
171.	Dulanga	National Thermal Power Corporation	Orissa
172.	Utkal-D	Orissa Mining Corporation	Orissa
173.	Nuagaon Telisahi	Orissa Mining Corporation, Andhra Pradesh Mineral Development (APMDC)	Orissa
174.	Manoharpur	Orissa Power Generation Corporation	Orissa
175.	Dipside Manoharpur	Orissa Power Generation Corporation	Orissa
176.	Radhikapur(West)	Rungta Mines Limited, OCL India Ltd., Ocean Ispat Ltd.	Orissa
177.	Rampia	Sterlite Energy Ltd., (IPP), GMR Energy Ltd. (IPP), Arcelor Mittal India Ltd. (CPP), Lanco Group Ltd. (IPP), Navbharat Power Pvt. Ltd. (IPP), Reliance Energy Ltd. (IPP)	Orissa
178.	Dipside of Rampia	Sterlite Energy Ltd., (IPP), GMR Energy (IPP), Arcelor Mittal India Ltd. (CPP), Lanco Group Ltd. (IPP), Navbharat Power Pvt. Ltd. (IPP), Reliance Energy Ltd. (IPP)	Orissa
179.	North of Arkhapal Srirampur	Strategic Energy Technology Systems Limited (SETSL)	Orissa
180.	Radhikapur (East)	Tata Sponge Iron Ltd., Scaw Industries Ltd., SPS Sponge Iron Ltd.	Orissa
181.	Chendipada	Uttar Pradesh Rajya Vidut Utpadan Limited, Chhattisgarh Mineral Development Corporation Limited, Maharashtra State Power Generation Corporation Ltd.	Orissa
182.	Chendipada-II	Uttar Pradesh Rajya Vidut Utpadan Limited, Chhattisgarh Mineral Development Corporation Limited, Maharashtra State Power Generation Corporation Ltd.	Orissa
183.	Utkal-C	Utkal Coal Ltd. (formerly ICCL)	Orissa
184.	Biharinath	Bankura DRI Mining Manufacturers Co. Pvt. Ltd.	West Bengal
185.	Andal East	Bhushan Steel Ltd., Jai Balaji Industries Ltd., Rashmi Cement Ltd.	West Bengal
186.	Barjora (North)	Damodar Valley Corporation	West Bengal
187.	Kagra Joydev	Damodar Valley Corporation	West Bengal
188.	Kasta (East)	Damodar Valley Corporation	West Bengal
189.	Gourangdih ABC	Himachal EMTA Power Ltd., JSW Steel Ltd.	West Bengal

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
190.	Moiramadhujore	Ramsarup Lohh Udyog Ltd., Adhunik Corporation Ltd., Uttam Galva Steels Ltd., Howrah Gases Ltd., Vikas Metal & Power Ltd., ACC Ltd.	West Bengal
191.	Sarisatolli	Calcutta Electricity Supply Corporation Ltd.	West Bengal
192.	Ardhagram	Sova Ispat Limited, Jaibalaji Sponge Ltd.	West Bengal
193.	Tara (West)	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
194.	Gangaramchak	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
195.	Barjora	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
196.	Gangaramchak-Bhadulia	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
197.	Tara (East)	West Bengal State Electricity Board	West Bengal
198.	Jaganathpur B	West Bengal Mineral Development & Trading Corp.	West Bengal
199.	Sitarampur	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
200.	Trans Damodar	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
201.	Ichhapur	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
202.	Kulti	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
203.	Jaganathpur A	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
204.	East of Damogoria (Kalyaneshwari)	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal

SCHEDULE-II

[See section 3(1)(q)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
1.	Namchik Namphuk	Arunachal Pradesh Mineral Dev. & Trading Corporation	Arunachal Pradesh
2.	Gare-Palma-IV/4	Jayaswal Neco Ltd.	Chhattisgarh
3.	Gare-Palma-IV/2	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
4.	Gare-Palma-IV/3	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
5.	Gare-Palma-IV/1	Jindal Strips Limited (Now Jindal Steel & Power Ltd.)	Chhattisgarh
6.	Gare-Palma-IV/5	Monet Ispat Ltd.	Chhattisgarh
7.	Chotia	Prakash Industries Ltd.	Chhattisgarh
8.	Gare-Palma-IV/7	Raipur Alloys & Steel Ltd. (Now Sarda Energy and Mineral Limited)	Chhattisgarh
9.	Parsa East	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
10.	Kanta Basan	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
11.	Parbatpur-Central	Electrosteel Castings Ltd.	Jharkhand
12.	Tokisud North	GVK Power (Govindwal Sahib) Ltd.	Jharkhand
13.	Pachwara Central	Punjab State Electricity Board	Jharkhand
14.	Kathautia	Usha Martin Ltd.	Jharkhand
15.	Pachwara North	West Bengal Power Development Corporation Limited (WBPDC)	Jharkhand
16.	Gotitoria (East)	BLA Industries Ltd.	Madhya Pradesh
17.	Gotitoria (West)	BLA Industries Ltd.	Madhya Pradesh
18.	Mandla North	Jaiprakash Associates Ltd.	Madhya Pradesh
19.	Amelia (North)	Madhya Pradesh State Mining Corporation	Madhya Pradesh
20.	Bicharpur	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
21.	Sial Ghoghri	Prism Cement Limited	Madhya Pradesh
22.	Marki Mangli-I	B.S. Ispat Ltd.	Maharashtra
23.	Baranj-I	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
24.	Baranj-II	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
25.	Baranj-III	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
26.	Baranj-IV	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
27.	Kiloni	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
28.	Manora Deep	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
29.	Marki Mangli-II	Shree Veerangana Steels Limited	Maharashtra
30.	Marki Mangli-III	Shree Veerangana Steels Limited	Maharashtra
31.	Belgaon	Sunflag Iron & Steel Co. Ltd.	Maharashtra
32.	Talabira-I	Hindalco Industries Ltd.	Orissa
33.	Barjora (North)	Damodar Valley Corporation	West Bengal
34.	Kagra Joydev	Damodar Valley Corporation	West Bengal
35.	Sarisatolli	Calcutta Electricity Supply Corporation Ltd.	West Bengal
36.	Ardhagram	Sova Ispat Limited, Jai Balaji Sponge Ltd.	West Bengal
37.	Tara (West)	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
38.	Gangaramchak	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
39.	Barjora	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
40.	Gangaramchak-Bhadulia	West Bengal Power Development Corporation Limited (WBPDC)	West Bengal
41.	Tara (East)	West Bengal State Electricity Board	West Bengal
42.	Trans Damodar	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal

SCHEDULE III

[See section 3(1)(r)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
1.	Durgapur-II/Taraimar	Bharat Aluminium Company Ltd.	Chhattisgarh
2.	Durgapur-II/Sarya	DB Power Ltd.	Chhattisgarh
3.	Gare Pelma Sector III	Goa Industrial Development Corporation	Chhattisgarh
4.	Gare Palma-IV/8	Jayaswal Neco Ltd.	Chhattisgarh
5.	Talaipali	National Thermal Power Ltd.	Chhattisgarh
6.	Chatti Bariatu	National Thermal Power Ltd.	Jharkhand
7.	Mahan	Essar Power Ltd., Hindalco Industries Ltd.	Madhya Pradesh
8.	Mandla South	Madhya Pradesh State Mining Corporation Ltd.	Madhya Pradesh
9.	Dongeri Tal-II	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
10.	Kosar Dongergaon	Chaman Metaliks Ltd.	Maharashtra
11.	Nerad Malegaon	Gupta Metaliks & Power Ltd., Gupta Coalfields & Washeries Ltd.	Maharashtra
12.	Marki Mangli-IV	Shree Veerangana Steel Limited	Maharashtra
13.	Jamkhani	Bhushan Ltd.	Orissa
14.	Utkal B 1	Jindal Steel & Power Ltd.	Orissa
15.	Utkal-B2	Monet Ispat Ltd.	Orissa
16.	Mandakini	Monet Ispat Energy Ltd., Jindal Photo Ltd., Tata Power Company Ltd.	Orissa
17.	Utkal-C	Utkal Coal Ltd. (formerly ICCL)	Orissa
18.	Brinda	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
19.	Sasai	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
20.	Meral	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
21.	Moitra	Jayaswal Neco Ltd.	Jharkhand
22.	Jitpur	Jindal Steel & Power Ltd.	Jharkhand
23.	Rohne	JSW Steel Ltd., Bhushan Power & Steel Ltd., Jai Balaji Industries Ltd.	Jharkhand
24.	Dumri	Nilachal Iron & Power Ltd., Bajrang Ispat Pvt. Ltd.	Jharkhand
25.	Kerandari	National Thermal Power Ltd.	Jharkhand
26.	Sitanala	Steel Authority of India Ltd.	Jharkhand
27.	Ganeshpur	Tata Steel Ltd., Adhunik Thermal Energy	Jharkhand
28.	Badam	Tenughat Vidyut Nigam Limited	Jharkhand
29.	Tara	Chhattisgarh Mineral Development Corporation Ltd.	Chhattisgarh
30.	Lohari	Usha Martin Ltd.	Jharkhand
31.	Dulanga	National Thermal Power Corporation	Orissa
32.	Manoharpur	Orissa Power Generation Corporation	Orissa

SCHEDULE IV

(See section 28)

PART-A**THE COAL MINES (NATIONALISATION) ACT, 1973
(26 OF 1973)**Amendment
of section 1A.

1. In the Coal Mines (Nationalisation) Act, 1973 (herein referred to as the principal Act), in sub-section (1) of section 1A, after the word and figure "section 3", the word, figure and letter ", section 3A" shall be inserted.

Insertion of
new section
3A.

2. After section 3 of the principal Act, the following section shall be inserted, namely:—

Mining
operation by
company and
others.

"3A. (1) Notwithstanding anything contained in this Act, any person being—

(a) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India; or

(b) a company or a joint venture company formed by two or more companies, may carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the prospecting licence or mining lease, as the case may be.

(2) The Central Government may, with a view to rationalise such coal mines so as to ensure the co-ordinated and scientific development and utilisation of coal resources consistent with the growing requirements of the country, from time to time, prescribe—

(i) the coal mines or coal bearing areas and their location;

(ii) the minimum size of the coal mine or coal bearing areas;

(iii) such other conditions,

which in the opinion of that Government may be necessary for the purpose of coal mining operations or mining for sale by a company.

Explanation.—For the purposes of this section, "company" means a company as defined in clause (20) of section 2 of the Companies Act, 2013."

18 of 2013.

Amendment
of section 34.

3. In section 34 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) the coal mines or coal bearing areas and their location, the minimum size of the coal mine or coal bearing areas, and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (2) of section 3A."

PART-B**THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957
(67 OF 1957)**Substitution of
new section
for section
11A.

1. In the Mines and Minerals (Development and Regulation) Act, 1957 (herein referred to as the principal Act), for section 11A, the following section shall be substituted, namely:—

Granting of
reconnaissance
permit,
prospecting
licence or
mining lease.

"11A. (1) Notwithstanding anything contained in this Act, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite, select any of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed, namely:—

(a) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may, or any other company incorporated in India; or

(b) a company or a joint venture company formed by two or more companies, may carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be.

(2) The Central Government may, with a view to rationalise coal and lignite mines referred to in sub-section (1), so as to ensure the co-ordinated and scientific development and utilisation of resources consistent with the growing requirements of the country, from time to time, prescribe—

(i) the details of mines and their location;

(ii) the minimum size of the such mines;

(iii) such other conditions,

which in the opinion of that Government may be necessary for the purpose of mining operations or mining for sale by a company.

(3) The State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite to such company as selected through auction by competitive bidding or otherwise under this section:

Provided that the auction by competitive bidding under this section shall not be applicable to an area containing coal or lignite—

(a) where such area is considered for allocation to a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be;

(b) where such area is considered for allocation to a company or corporation or that has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects).

18 of 2013. *Explanation.*—For the purposes of this section, "company" means a company as defined in clause (20) of section 2 of the Companies Act, 2013."

3. In section 13 of the principal Act, in sub-section (2), for clause (d), the following clause shall be substituted, namely:—

Amendment
of section 13.

"(d) the terms and conditions of auction by competitive bidding, the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (1) and sub-section (2) of section 11A."

Sd/-

PRANAB MUKHERJEE,

President.

Sd/-

DR. SANJAY SINGH,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat.

Sd/-

ARVIND AGARWAL,

Additional Chief Secretary to
Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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WEDNESDAY, NOVEMBER 19, 2014/KARTIKA 28, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President.

Government of Gujarat

Legislative and Parliamentary Affairs Department

Sachivalaya, Gandhinagar, 19th November, 2014.

No. RPB/6-2014/Ord.-06-2014 / E:- The following Ordinance promulgated by the President and Published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 24th October, 2014 is republished for general information

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th October, 2014/Kartika 2, 1936 (Saka)

THE TEXTILE UNDERTAKINGS (NATIONALISATION) LAWS (AMENDMENT AND VALIDATION)

ORDINANCE, 2014

No. 6 OF 2014

Promulgated by the President in the Sixty-fifth Year of the Republic of India.

57 of 1974.
39 of 1995.

An Ordinance further to amend the Sick Textile Undertakings (Nationalisation) Act, 1974 and the Textile Undertakings (Nationalisation) Act, 1995 in order to continue with the lease-hold rights vested in the National Textile Corporation on completion of the lease-hold tenure;

WHEREAS the National Textile Corporation subserves the interests of the general public and the land continue to be in possession of the said Corporation;

AND WHEREAS various other textile undertakings have been nationalised from time to time and their assets vested absolutely in the Central Government and thereafter transferred to the National Textile Corporation Limited by the Central Government free from all encumbrances;

AND WHEREAS after the nationalisation of the textile undertakings, a large sum of money have been invested with a view to making the said textile undertakings viable;

AND WHEREAS the Central Government has taken initiative to revive certain sick undertakings including the National Textile Corporation under a revival scheme sanctioned by the Board for Industrial and Financial Reconstruction under the Sick Industrial Companies (Special Provisions) Act, 1985;

1 of 1986.

AND WHEREAS it is necessary for the proper and effective implementation of the revival scheme and to protect the public investment in the acquired textile undertakings and to explicitly clarify the status of such vesting of the lease-hold rights in the Central Government;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014.

(2) It shall come into force at once.

CHAPTER II

AMENDMENT TO THE SICK TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1974

2. On and from the date of commencement of the Sick Textile Undertakings (Nationalisation) Act, 1974, (hereafter in this Chapter referred to as the principal Act), in section 3 after sub-section (2), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

57 of 1974.

“(3) Notwithstanding the transfer and vesting of any sick textile undertaking to the National Textile Corporation by virtue of sub-section (2), the lease-hold rights of the sick textile undertakings shall continue to remain vested in the Central Government on payment of lease-hold rents and shall be discharged, for and on behalf of that Government, by the National Textile Corporation as and when payment of such lease-hold rents or any amount becomes due and payable.

(4) Subject to sub-section (3), no court shall have jurisdiction to order divestment from the National Textile Corporation of the property vested in it by the Central Government.”

3. On and from the date of commencement of the principal Act, in section 4, after sub-section (7), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

“(8) Notwithstanding the fact that the textile operations have been discontinued in any sick textile undertaking being revived, shall for all effects and purposes be deemed that the textile operations are being continued and no suit or proceeding shall be instituted or if instituted be maintainable against the National Textile Corporation on the ground that it has discontinued such activity in the sick textile undertaking.

(9) For the removal of doubts, it is hereby declared that the continued deemed vesting of the lease-hold land in the Central Government shall not affect, impair or in any manner prejudice the rights of the National Textile Corporation to prosecute or defend any proceedings as a subsequent vestee in respect of any such lease-hold rights and no such proceedings shall fail only on account of the non impleadment of that Government.”

Short title
and com-
mencement.

Amendment
of section 3.

Amendment
of section 4.

4. After section 40 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
41.

“41. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

Validation.

(a) the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act, as amended by the said Ordinance, had been in force at all material times;

(b) any lease-hold property divested from the National Textile Corporation to any person under the provisions of this Act, as it stood immediately before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the National Textile Corporation in the same manner as it was vested in the National Textile Corporation before such divesting of that property under the provisions of this Act, as if the provisions of this Act as amended by the aforesaid Ordinance, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority, notwithstanding any undertaking filed by the National Textile Corporation in any court or tribunal or authority, directing divestment of such lease-hold property from the National Textile Corporation vested in it under section 3 of this Act, as it stood before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, and such lease-hold property shall continue to vest in the National Textile Corporation under section 3 of this Act as amended by the aforesaid Ordinance, as if the said section was in force at all material times;

(d) any transfer of any property, vested in the National Textile Corporation, by virtue of any order of attachment, seizure or sale in execution of a decree of a civil court or orders of any tribunal or other authority in respect of lease-hold property vested in the National Textile Corporation which is contrary to the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the National Textile Corporation under this Ordinance.”

CHAPTER III

AMENDMENTS TO THE TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1995

39 of 1995.

5. On and from the date of commencement of the Textile Undertakings (Nationalisation) Act, 1995 (hereafter in this Chapter referred to as the principal Act), in section 3, after sub-section (2), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

Amendment
of section 3.

“(3) Notwithstanding the transfer and vesting of any textile undertaking to the National Textile Corporation by virtue of sub-section (2), the lease-hold rights of the textile undertakings shall continue to remain vested in the Central Government on payment of lease-hold rents and shall be discharged, for and on behalf of that Government, by the National Textile Corporation as and when payment of such lease-hold rents or any amount becomes due and payable.

(4) Subject to sub-section (3), no court shall have jurisdiction to order divestment from the National Textile Corporation of the property vested in it by the Central Government."

Amendment
of section 4.

6. On and from the date of commencement of the principal Act, in section 4, after sub-section (7), the following sub-sections shall be inserted and shall be deemed to have been inserted, namely:—

"(8) Notwithstanding the fact that the textile operations have been discontinued in any textile undertaking being revived, shall for all effects and purposes shall be deemed that the textile operations are being continued and no suit or proceeding shall be instituted or if instituted be maintainable against the National Textile Corporation on the ground that it has discontinued such activity in the textile undertaking.

(9) For the removal of doubts, it is hereby declared that the continued deemed vesting of the lease-hold land in the Central Government shall not affect, impair or in any manner prejudice the rights of the National Textile Corporation to prosecute or defend any proceedings as a subsequent vestee in respect of any such lease-hold rights and no such proceedings shall fail only on account of the non-impleadment of that Government."

Insertion of new
section 39.

7. After section 38 of the principal Act, the following section shall be inserted, namely:—

Validation.

"39. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) the provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall have and shall be deemed always to have effect for all purposes as if the provisions of this Act, as amended by the said Ordinance, had been in force at all material times;

(b) any lease-hold property divested from the National Textile Corporation to any person under the provisions of this Act, as it stood immediately before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the National Textile Corporation in the same manner as it was vested in the National Textile Corporation before such divesting of that property under the provisions of this Act as if the provisions of this Act, as amended by the aforesaid Ordinance, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority, notwithstanding any undertaking filed by the National Textile Corporation in any court or tribunal or authority, directing divestment of such lease-hold property from the National Textile Corporation vested in it under section 3 of this Act, as it stood before the commencement of the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, and such lease-hold property shall continue to vest in the National Textile Corporation under section 3 of this Act, as amended by the aforesaid Ordinance, as if the said section was in force at all material times;

(d) any transfer of any property, vested in the National Textile Corporation, by virtue of any order of attachment, seizure or sale in execution of a decree of a civil court or orders of any tribunal or other authority in respect of lease-hold property vested in the National Textile Corporation which is contrary to the

provisions of this Act, as amended by the Textile Undertakings (Nationalisation) Laws (Amendment and Validation) Ordinance, 2014, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the National Textile Corporation under this Ordinance.”.

Sd/-

PRANAB MUKHERJEE,
President.

Sd/-

D.R. SANJAY SINGH,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

ARVIND AGARWAL,
Additional Chief Secretary to
Government.

Government Central Press, Gandhinagar.